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CITY OF CHICAGO.

THIRD ANNUAL REPORT

OF THE

CIVIL SERVICE COMMISSION

TO

HIS HONOR, THE MAYOR,

FOR THE

YEAR ENDING DECEMBER 31, 1897.

CHICAGO, ILL., JANUARY 14, 1898.

PRINTED FOR THE COMMISSION.

CITY OF CHICAGO.

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CONTENTS.

	Page
Organization of the Commission,	iv
Report of the Commission to the Mayor,	v
Appendixes:	
A. Report of the Chief Examiner to the Commission,	3
B. Report of the Medical Board to the Commission,	7
C. Tables of Statistics,	11
D. Financial Statement,	23
E. Civil Service Act,	29
F. Civil Service Rules,	45
G. Changes in Former Rules,	73
H. Rulings and Precedents of the Commission,	81
I. Table of Offices and Places of Employment,	85
J. Minutes of the Commission,	91
K. Supreme Court Decisions,	177
Index,	197

ORGANIZATION OF THE COMMISSION.

CIVIL SERVICE COMMISSION

OF THE

CITY OF CHICAGO.

*ADOLF KRAUS, *President*, . . .	4518 Drexel Boulevard.
Term expires July 1, 1899.	
*DUDLEY WINSTON, ...	99 East Pearson Street.
Term expires July 1, 1900.	
*HEMPSTEAD WASHBURNE, . . .	154 Astor Street.
Term expires July 1, 1898.	

JOHN M. GLENN,
Secretary and Chief Examiner,
155 Evanston Avenue.

MEDICAL BOARD.

FILIPP KREISSL, M. D., . . .	2920 Groveland Avenue.
WILLIAM CUTHBERTSON, M. D., . .	189 41st Street.
ARTHUR R. EDWARDS, M. D., . .	2818 Indiana Avenue.
MAURICE L. GOODKIND, M. D., . .	2522 Michigan Avenue.
EDWARD W. LEE, M. D., . . .	350 Ashland Boulevard.

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* Successors to JOHN M. CLARK, ROBERT A. WALLER and CHRISTOPH HOTZ.

REPORT

OF THE

COMMISSION

CITY OF CHICAGO.

REPORT OF THE CIVIL SERVICE COMMISSION TO HIS HONOR, THE MAYOR, FOR THE YEAR ENDING DECEMBER 31, 1897.

OFFICE OF THE CIVIL SERVICE COMMISSION,
CHICAGO, January 14, 1898.

HON. CARTER H. HARRISON,
Mayor of Chicago.

Sir—In accordance with the provisions of Section 15 of an Act entitled "An Act to regulate the Civil Service of Cities," approved March 20, 1895, the Commission herewith submit their Annual Report. This report will include in a general way the work done by our predecessors in office during the early part of the year.

Immediately upon its appointment the present Commission organized by the election of Commissioner Adolf Kraus as President. On May 25, 1897, John M. Glenn was elected Chief Examiner and Secretary, as successor to E. J. Phelps, who had resigned. Regular meetings of the Commission have been held daily at its office in the City Hall. At all meetings when executive business was transacted, a careful record has been kept, and as the best means of showing its official action, the Commission respectfully submit herewith the minutes in full of all such meetings held by it during the year. It also has the honor of submitting reports of the Secretary and Chief Examiner and of the Board of Medical Examiners—an itemized account of all expenditures made by it and statistical tables showing in detail the work of the year.

When the present Commission came into office it found itself hampered in many ways. The Civil Service Law was undergoing its first real test. The change of administration in the affairs of the municipal government increased the work of this office to a very great extent. Insufficient quarters were assigned for its occupation. A large part of the annual appropriation for the support of the Commission to enable it to properly carry on its work had been expended by our predecessors in office. Few eligible lists, and these of meager proportions were ready for positions in the classified service. The present Commission immediately undertook to hold examinations for almost every position in the city service under

its jurisdiction. As a result of these examinations eligibles were obtained for a majority of the places in the classified service and the end of the year finds almost all the employees of the city under the protection of the Civil Service Law.

The work of the Commission was further hampered by the lack of a judicial construction of Section 11 of the Civil Service Act regarding the limitations of the classified service. By two recent decisions of the Supreme Court, printed herewith in Appendix K, the limitations of the classified service have been judicially determined, and the powers of the Common Council in regard to exempting certain positions from the classified service have been defined. A clear construction of the provisions of the Civil Service Act has thus been, for the first time, made possible, and your Commission has endeavored to follow strictly the construction placed upon the law by the Supreme Court of this State. The employees of the Board of Education, as the result of a recent judicial decision, are now included within the classified service.

The rules of the Commission will be found printed in full herewith. By comparison with those in force at the time of the last annual report from the Commission it will be seen that few changes have been made. The rules adopted by our predecessors in office have been found in the main very satisfactory.

The effect of the adoption of the Civil Service Law and rules has been to relieve the Mayor and heads of departments from the pressure of applicants for office, thus leaving them free to attend to their more important duties. City employees have also been relieved from the unfair burden of political assessments. General improvement in the transaction of the public business has been the result.

In conclusion, the Commission desires to acknowledge, with thanks, the uniform courtesy and the official aid that it has at all times received in the discharge of its duties from yourself and from some of the heads of the principal departments.

Respectfully submitted,

ADOLF KRAUS,
DUDLEY WINSTON,
HEMPSTEAD WASHBURNE,
Civil Service Commissioners.

CHICAGO, January 31, 1898.

HON. CARTER H. HARRISON,
Mayor of Chicago.

Sir:—As supplemental to the annual report which it is our duty to submit to you, we deem it proper to refer to some criticisms which have been directed against the action of this Board. The critics may be divided into three classes:

1. Those who are openly opposed to the civil service law, and those who have failed to secure positions in the public service because of the enforcement of that law.

2. A few persons who pose as civil service reformers, but who, during the present administration, have not been called upon to construe and direct the enforcement of that law.

3. Certain politicians who are seeking to make political capital for use in future campaigns, and to arouse a sentiment favorable to the passage of a Metropolitan police bill.

It is not deemed necessary to here point out the individuals comprising the above classes; a perusal of the proceedings of the late senatorial committee, appointed to investigate the Chicago Police Department, will enable the reader to identify the critics and properly classify them.

The present Board was appointed on May 3, 1897. Shortly thereafter, a controversy arose as to what is meant by "*heads of any principal department of the city*," as used in Sec. 11 of the Civil Service Act. That controversy was settled by the Supreme Court, in an opinion, a copy of which will be found in this report.

That opinion, however, was not announced till December 22, 1897, and, in the meantime, the Commission experienced no little difficulty in applying and enforcing the law. On the one hand, were applicants who had been examined and placed on the eligible list for certain positions; on the other, were heads of certain Bureaus, insisting on their right to fill those positions without reference to the civil service law, and in this position, they were supported by an opinion of the Corporation Counsel. These gentlemen not only sought to limit the application of the law, but denied its validity *in toto*. They were *open* and *avowed* enemies of the civil service law. Because of this controversy, certain persons who had passed the examination, and had been placed upon the eligible list,

were delayed in securing positions in the city's service. This condition of affairs bred disappointment which manifested itself in frequent complaints against this Board, and led to charges that the law was not being honestly administered.

One of the charges brought against this Board is that it was partial in its treatment of the "*Star Leaguers*," a society of ex-policemen.

It will be remembered that just prior to the taking effect of the civil service law, the then Chief of Police discharged about 700 patrolmen, nearly all of whom were discharged for *political* reasons. Every *honest* civil service reformer must admit that this action was wrong.

The prime object of the civil service law is to secure efficiency and stability in the public service. It is intended to relieve that service of the sudden changes which have heretofore followed political struggles, and to permanently secure to public servants the positions which they have shown themselves competent to fill.

From the time this Board was appointed, a great pressure was brought to bear to induce it to right the wrong which had been done by the discharge of the 700 patrolmen under the preceding administration. As reasons for such action, it was urged (1) that those men had given years to the service; (2) that nearly all of them had excellent records; (3) *that they had contributed large amounts to the police pension fund, in which, by their wrongful discharge, they were denied all right to participate;* (4) that their years of experience fitted them to render the City better service than could be rendered by inexperienced men.

Each of these considerations appeals to justice; none of them runs counter to either the letter or the spirit of the civil service law. In order to do justice to these men, and give the City the benefit of the experience derived from their long years of service, it was necessary to amend the *rules* of this Board. To accomplish that end, the Board had unquestioned power. And when, as in this case, justice, and the best interests of the public service so required, it was the *plain duty* of the Board to take such action.

The rules were so modified as to permit these men to be examined. Under those rules, these men were examined, and such of them as passed the examination were placed upon a

separate eligible list. Thereby the wrong done to these men by the preceding administration was righted, the people secured the benefit of their experience, *and no provision of the civil service law was violated, either in letter or in spirit.*

The law makes it our duty to classify the employees of the city, and we must be the judges as to the proper classification. We classified the patrolmen as experienced and inexperienced men. We had a legal right to do so, and we believe it was *our duty.*

Nearly one-half the list of "eligibles" resulting from that examination, was composed of Republicans who had been discharged under preceding administrations, and *who were not members* of the "Star League." It cannot truthfully be said that, in its action in this matter, this Board was influenced by any political considerations. Since that time, we have given to such of the patrolmen as were discharged under the present administration, and who have good records, an opportunity to be examined and re-enter the service upon the same conditions.

It is also charged that in the examination of the so-called Star Leaguers, we permitted men with bad records to pass and obtain positions on the force.

There is no provision of the civil service law and no rule of the Board which requires that a patrolman shall be endowed with all the Christian virtues. Indeed, there are districts in every large city which require patrolmen who are familiar with the vicious and the haunts of vice. Without such knowledge, a patrolman in those districts would be of little service in preventing crime, or arresting criminals.

Prior to the examination of these men, their official records were scrutinized and those with bad showing were denied an examination, except by accident a few (10) were received, and these, within one week of their appointment, were discharged by order of this Board.

Subsequently, it was charged that we had placed upon the force, 67 criminals who ought to be in the penitentiary. This Board requested the names of those men included in that charge. The person making the charge, for some reason which he did not state, declined to give the names. He afterward appeared before the senatorial investigating committee, and gave 65 names. Thereupon, this Board called

in Captain Campbell, the Secretary of the Police Department, and with him examined the police records. The result of that examination showed that of the 65 names mentioned by that person, 6 had no record at all *because they had never been on the force prior to October, 1897;* that 11 *are not now, and never have been, on the police force;* that 29 *had clear records;* that of the remaining 19, some had been discharged by order of this Board *before the passage of the resolution* appointing the senatorial investigating committee; that the others had, at different times, been discharged as a means of disciplining them for some minor offense against the rules of the Department, and, so far as shown by the records, had *never been guilty of any offense punishable by law.* Some of these men are found of record as having been discharged for violation of Rule 67, which rule covers, among other things, immoral conduct and conduct unbecoming a police officer. In not a single instance do the records of the trials show that any one of them had been guilty of immoral conduct. In this connection, we call attention to the statements of Inspectors Schaack and Shea and Captain Campbell, appended hereto as Exhibit A.

It has also been charged that this Board placed upon the eligible list, 28 men who were less than 5 feet 8 inches in height, and that these names were interlined in the eligible list after it was made up. The facts are as follows:

The Board passed a rule requiring applicants for examination for patrolmen to be not less than 5 feet 8 inches in height. Among the applicants for examination, there were found 64 *experienced policemen,* who were not of the height required by the above rule. The Board of Medical Examiners represented to this Board, that among those 64 men, were some of the most athletic men in the entire list of applicants; that a man of medium height has greater endurance and physical activity than a tall man. Influenced by these considerations, this Board changed its rule so as to require the applicants to be not less than 5 feet 7 inches in height. Under this rule, 28 men, whose records as policemen were *absolutely clear,* were examined. Of these, 26 passed and *were entered upon the eligible list in their regular order.* The rule reducing the measurement to 5 feet 7 inches for experienced men, has since then been made permanent. *In adopting this rule, we followed the precedent established by our*

predecessors in office, who, after an examination for patrolmen in the year 1896, at which 32 men were found to be short in chest measure, modified their rule so as to allow these men to pass. (See 2d annual report, pages 205, 206, 213.)

The 36 short men who were not permitted to take the examination, were rejected on account of their records. See Exhibit B, signed by Inspectors Shea, Schaack and Captain Campbell.

The charge that the names of any of these men were *interlined* on the eligible list, *is false.* See Exhibit C, statement of expert accountants in the employ of Marshall Field & Company and J. V. Farwell Company.

It is also charged that the examination of the "Star Leaguers" was lax and lenient. The charge *is false.* See statement by Medical Board, Exhibit D.

This Board has also been criticised for making what has been termed, in ignorance of facts, "a man-a-minute examination."

The civil service law does not apply to individuals who were engaged in the public service at the time the law took effect; and such servants can be brought under the operation and effect of the law only upon their resigning or being discharged, and again applying for employment. Hence it was that, at the time this Board was appointed, after nearly two years' operation of the law, there were upon the police force about 2,500 men, who were neither under the protection nor within the control of the civil service law. These men were all of them men of experience. The most of them *had passed the examination* conducted by a committee, of which John W. Ela was chairman, during the administration of Mayor Hopkins. But that examination was prior to, and hence not under the civil service law.

The *wholesale discharge* (without cause other than political) of about 700 patrolmen by Chief Badenoch, just prior to the taking effect of the civil service law, has already been noted. A short time after the present administration began, Chief Kipley made an order discharging several hundred of the patrolmen *not under the protection of the civil service law.* Before that order was issued and took effect, it was modified so as to include only 248 men. This order, by Chief Kipley, was no more and no less wrongful than the previous order by

Chief Badenoch. Neither order was wrongful in the sense that it was in violation of law. Both orders were wrongful in the sense that they placed the weal of the public service secondary to the discharge of political obligations. Moved by these considerations this Board devised a plan whereby the *entire force could be brought under the civil service law*, and thereby prevent the repetition of wholesale discharges of patrolmen which have heretofore followed a change of administration. The plan adopted, was to give these men an examination, have them discharged, and such of them as passed the examination to be immediately reappointed, and thereby placed under the protection and control of the civil service law.

The entire police force, under Mayor Hopkins, was thoroughly examined by Mr. Ela's committee, and all incompetent men were discharged. This was prior to, and hence not under the civil service law. Since then, all persons appointed to the police force were either appointed under the civil service law or during the period of 60 days of Mayor Swift's administration just prior to the taking effect of that law. Most of the men appointed by Mayor Swift, have since then been discharged. It is safe to say, therefore, that more than 95 per cent. of the entire police force had received a thorough examination. Inasmuch as they had passed the examination made by Mr. Ela's committee, and were, and for years had been, on the force, it was not deemed necessary to subject them to as rigid an examination as is given applicants who have never served, and who did not pass the aforesaid examination.

The men were weighed and measured at their stations before presenting themselves for examination. The requirements of the law, and of the rules of the Board, were complied with. The records of these men are now being investigated, and when completed those having good records will be certified under the law; those with bad records will be dropped from the force and then, and not until then, will the entire force be under the protection of the civil service law.

The foregoing are the principal charges that have been made against the action of this Board. Certain individuals who have failed to secure positions in the civil service, or having obtained such positions have been discharged therefrom, have charged this Board with unfair treatment.

1. John P. Grace, who was examined for Elevator Inspector, charges that one James Myers, who also took that examination, was permitted to act as examiner, and to mark his own papers and the papers of Grace.

The facts are that Myers was selected as an examiner because of his reputation as an elevator man. *But as soon as it was learned that he was an applicant for examination, he was discharged as examiner, and did not mark either his own papers, or the papers of any other applicant.* Moreover, every Elevator Inspector is holding his position in strict accordance with the law.

2. David W. Henry complains that he was unjustly discharged.

Henry was a stenographer in the employ of the Board. He was discharged for *wilful* refusal to obey the orders of his superiors. The star witness before the senate committee testified that the Board was right in discharging Henry and Henry testified before the same committee, that in all cases *except his*, the Board decided justly and fairly.

3. It is charged that the Board improperly changed the marking on the papers of one of the applicants for examination.

The facts are that one Needham G. Meyers complained that he had not been given proper credit by the examiner. Thereupon his papers were sent for and examined by the Board. It appeared that in his arithmetic papers, he had omitted a decimal point. In one instance, the examiner had marked the answer .45, and in another .95. We changed the marking so as to allow the applicant .90 for each answer. We had a right to do this, and as chief examiners, it was our duty under the law, to do justice. In his testimony before the Investigating Committee, the star witness stated that at an interview with Mr. Kraus, the latter admitted that the Board had done wrong in re-marking these papers.

We deny that statement *in toto*. At that interview, there were also present, all members of the Board, and Mr. Edwin Burritt Smith. The latter stands entirely disinterested in the matter. We have requested him to give his recollection of that interview. We attach hereto our letter to him. See Exhibit "E," and his reply thereto, see Exhibit "F."

4. Theodore Saindon complains of his treatment *during the administration of our predecessors.* Of the merits of his complaint, we have no knowledge. He says he was discharged on July 15. As he had taken only a *promotional* examination, he could rightfully be discharged at any time before he was promoted.

5. The complaint of Peter Soemo is not sustained by our records. He says that he was examined at the same time that a man by the name of Goslow was examined, and that Goslow was given a position which he (Soemo) ought to have received. The name *Goslow* does not appear, either upon any list certified by us or upon any of the pay-rolls. Soemo *now stands No. 14* on the list of eligibles for the Bureau of Water Pipe Extension. He has never been certified for employment.

6. Charles Sundell was a clerk in the Water Office. He was charged with incompetency, and this Board sustained that charge.

7. As yet this Board has not had time to hold an examination for veterinary surgeons; and this explains why Adam Barber is serving in that capacity without an examination.

8. D. C. Cregier, *Jr.*, was appointed custodian of stolen property under the 60-day rule. Thereafter, an examination was held and Cregier's name was number 3 on the list of eligibles. Numbers 1 and 2 declined the position, and hence Cregier is still serving.

9. It is charged that the result of the examination held on June 12, 1897, for Chief Clerks, was not posted. This charge is true. The reason is that that examination was held for Chief Clerks *generally*, without reference to any particular department. After the examination was concluded, but before the result was posted, it was ascertained by this Board that the work in the several departments was so various as to require *a special examination* for each department. Thereupon, *and for that reason only*, the examination of June 12 was annulled, and *a separate* examination is now being held for each department.

10. It has been charged that we permitted patrolmen discharged by Chief Kipley, to be reinstated without an examination. *This is absolutely false.* The facts are that Chief Kipley gave an order to discharge 428 men. That order was

disapproved by you, Mr. Mayor, and was thereupon modified so as to include only 248 men, and, as so modified, it was reported to the Board. The other *180 men were never discharged.*

11. It has been charged that we certified men out of their order on the eligible lists. The only men certified out of their order were ex-soldiers who fought in the late rebellion, and the civil service law, in *express terms*, gives them *precedence.*

12. W. B. Darst, a cook at the Bridewell, was charged with incompetency, unfitness in service and using coarse and abusive language toward officers of the institution. The charges were sustained. During 11 days following his suspension, his successor saved $46.47, feeding the same number of people.

13. Lastly, it is charged that we altered or destroyed our records. *This charge is unqualifiedly false.* See Exhibit B, signed by Inspectors Schaack, Shea and Capt. Campbell; also Exhibit C, signed by expert accountants from Marshall Field and Company and J. V. Farwell Company. In this connection, it may not be out of place to call attention to the following: In the vault of the Commission are numerous tin boxes one of which contains slips of paper furnished by Capt. Campbell, of the Police Department. The fact that we pried open that box is also made the basis of a charge against us. The circumstances were these: The Senate Investigating committee had been in session until after 5 o'clock p. m. and had called for certain of those records to be produced before that committee the next morning. Our secretary had the key to the box and had gone home, taking the key with him. The Commissioners came back to their office to procure the records required for the following morning. To get those records, we unhesitatingly opened the tin box in the presence of two newspaper reporters and numerous clerks. Therefore we have been unscrupulously charged with "rifling the strong box" for the purpose of destroying the records of the 28 so-called short men.

It is not deemed necessary to refer to the various charges contained in the *anonymous* letters which were read before the Senatorial Committee.

The charge that in the performance of its duties, this Board has ever received any improper suggestions from you, Mr. Mayor, is absolutely false. The charge that this Board has ever, in the discharge of its duties, been influenced by any member of your official family, is equally false. The charge, or rather suggestion, that in the discharge of its duties, this Board has in any case been influenced by political considerations, is likewise false.

During our administration we have sustained the discharge of *only 11 civil service men*, exclusive of the police department.

It is true that men put on under the 60-day rule, were carried beyond the period of 60 days. This was unavoidable. We could not hold the examinations fast enough to meet all of these cases. Under the administration of Mayor Swift, 60-day men were put on and *carried through his entire term.*

It has been very generally charged that the cause of Civil Service has been retarded under your administration and by this Board. The following tables, drawn from the OFFICIAL RECORDS of this department, will perhaps answer this criticism more effectually than any argument we might advance, and this, too, in the face of a bitter, tedious litigation which prevented this Commission from filling many of the positions which we believe come within the civil service law, and which were exempted by ordinances of the Council and could not be filled until after a final decision by the Supreme Court of this State, which was not handed down until the 22d day of December, 1897:

First Commission.		*The Present Commission.*	
Appointed August 26, 1895. Served until May 3, 1897, a few days less than 21 months.		Appointed May 3, 1897. Served eight months, to the date of report.	
Examinations held	151	Examinations held	103
Applications filed	13,950	Applications filed	19,461
Applicants passed	4,820	Applicants passed	8,136
Applicants certified	1,792	Applicants certified	4,176
Applicants given employment	1,013	Applicants given employment	3,758

But the above does not cover all the work done by this Board during those eight months. Upon the very threshold of our administration, we encountered trouble with certain

bureau chiefs, who insisted that they had a right to fill certain positions in their respective departments, without reference to the civil service law. Many applicants who passed the examinations and were certified for these positions, were not received. This condition of affairs led to litigation, which was disposed of, so far as the *State* Courts are concerned, by a decision rendered by the Supreme Court, on December 22, 1897. In that controversy, were involved not only the question as to what positions come under the provisions of the civil service law, but, also, the *constitutionality of the law itself.* For an adjudication upon the latter question, the case has been taken to the Supreme Court of the United States.

During the campaign which resulted in your election, politicians active in your support did not hesitate to promise positions to persons who would work for your election. The fulfilment of these promises was inconsistent with an honest administration of the law; and in no instance, have those *ante-election* pledges been redeemed by this Board. In no instance have we yielded to the political pressure brought to bear upon us, or permitted any person to obtain employment, except in the manner provided by law. The politicians sought to excuse their failure to redeem their promises, by placing the blame upon the members of this Board, and this resulted in arousing the most bitter feelings against us. That bitterness and hatred was manifested in every conceivable manner. Even our lives were threatened, mainly in anonymous letters. The same hatred which prompted these threats of assassination, indited the anonymous letters which were read before the Senate Committee.

We believe that certain of the employees of the School Board are within the protection and control of the civil service law, although our predecessors thought otherwise. We invited the School Board to a conference upon this question, but our invitation was declined. We then commenced proceedings to enforce what we believe to be the law, and secured from Judge Tuley a decision in accordance with our views. From that decision, the School Board has appealed.

When the vast amount of work performed by the Board and the difficulties under which that work was accomplished are considered, it would not be surprising if we made some mistakes. We do not claim to be infallible. We have done

our best. Our books and records are open to the public, and we are conscious of having honestly and fairly performed our duties.

The advance agents of the next State campaign attempted to invent something that could hereafter be used for political purposes. These agents were appointed by a Republican State Senate to investigate a Democratic City Administration and were styled "A Committee to Investigate the Chicago Police Department."

That committee, believing that an honest administration of the civil service law might result beneficially to the party administering that law, went out of its way to find an excuse for a report adverse to an honest administration of that law, and did what no judicial, or even *quasi*-judicial body ever did in the history of any civilized country, and what, for the good name of the State of Illinois, it is to be hoped will never happen again. It listened to, and received, in an ex-parte hearing, hearsay evidence and anonymous letters, and upon that evidence based an official report.

Respectfully submitted,

ADOLF KRAUS,
DUDLEY WINSTON,
HEMPSTEAD WASHBURNE. } *Civil Service Commissioners.*

EXHIBIT "A."

CHICAGO, ILL., January 31, 1898.

We, the undersigned, hereby certify that we have carefully inspected the police records of 65 officers whose names were brought before the Senate Investigating Committee, and we find that 6 of the 65 have not and cannot have had police records because they were never on the police force, prior to being certified by the Civil Service Commissioners. Those six men are John J. Morley, Volney L. Beales, Edward G. Dignan, Michael Breen, Richard Shannon and Thomas Condon.

The following 11 names, according to the records, are not now and never were on the police force: James H. Macanery, Jas. Heffron, Wm. P. O'Brien, Wm. O. Brien, Jas. Kearney, Thomas Green, Richard M. Jenks, James L. Mackanery, Patrick Sheehan, James McGraw, Daniel O'Connell.

The police records show that the following have absolutely clear records, or such records as, in our opinion as commanding officers with years of experience, we consider good: Henry Deagan, William J. Morgan, John G. Kennedy, William C. Weaver, Stephen B. McGrath, James McGrath, Patrick O'Rourke, Joseph E. Spiegel, Patrick Reed, Walter M. Jenkins, Patrick Trainor, James H. Hall, Edward J. Grady, William P. Nolan, Charles Zable, M. F. Hinz, Thomas S. McCabe, Robert F. McAnery, Charles J. Johnson, Frank Finnan, Richard A. Walsh, Wm. J. O'Brien, and Charles Rehm.

And of the 19 other names which were brought before the Senate Committee, we find from the records that some of them were discharged by order of the Civil Service Commission *before* the resolutions appointing the Senate Committee were passed, and that those not discharged and still on the force, and in the service of the City of Chicago, are officers who on one or more occasions were discharged and again reinstated for the purpose of disciplining them, and that the cause of their discharge was in some instances intoxication, in others reporting late for duty, being absent from post without leave,

and similar violations of the rules of the Police Department; and that not a single police officer whose name was read or mentioned before the Senate Committee, and who, at the time that Committee met in Chicago, was in service of the City as an officer, has ever been guilty of any crime, so far as is shown by the records of the Police Department. And, we further certify, that we are acquainted more or less with the records of all these men, independently of the records of the Police Department, and that we have no knowledge of any kind, directly or indirectly, that would cause us to believe that any one of these men had committed an offense for which he could or should serve a term in the penitentiary. In other words, there is not a single one of these men who can rightfully be called a criminal.

JOHN D. SHEA,
Inspector Commanding Third Division.

MICHAEL J. SCHAACK,
Inspector Commanding Fourth Division.

A. F. CAMPBELL,
Secretary Police Department.

EXHIBIT "B."

CHICAGO, ILL., January 31, 1898.

I, the undersigned, Alexander F. Campbell, hereby certify that I am the Secretary of the Police Department of the City of Chicago, holding the rank of Captain; that I am the keeper of the records of that Department; that during the civil service examination for patrolmen from June to October, 1897, during which time, among other ex-policemen, the so-called star leaguers were examined, and at the request of the Civil Service Commission, I furnished the said Commission with copies of the police records of all the applicants; that said records were on separate slips of paper, which slips of paper were and are kept in a tin box in the vault of the Commissioners; that at the meeting of the Senate Investigating Committee in Chicago, it was charged that the Commissioners, or some one for them, changed and altered the records, as furnished by me, of 28 of the so-called short men. I hereby certify that since that charge was made public, I was requested by the Civil Service Commissioners to, and did inspect the records kept in the tin box aforesaid, and that I found that all the records regarding those men were there precisely as I furnished them, without a change, alteration or erasure; that the records of these 28 men were in one package, and that I examined the records as police officers of each and every one of these men and found them clear; that attached to each of these slips of paper, was pinned another slip which had not been furnished by me, but was made out by some one in the rooms of the Commission; that on said last mentioned slips of paper was written the name of the applicant, his height, and in pencil the letters O. K.; and that in another package in the same box were contained the names of 34 applicants, and I found these slips in the same condition in which I had furnished them to the Civil Service Commission, without any change, alteration or erasure, and that to those slips were also pinned papers similar to the ones above described, on which was also written the name of the applicant, his height, and in pencil the word "No"; that,

upon inspection, I found that each and every one of those names on the papers on which the word "No" appeared, was that of a man who had either a poor record or was below 5 feet 7 inches in height, or of a man who had been on the police force only a few months.

And we, the undersigned, Inspectors of Police, M. J. Schaack and John D. Shea, also certify that we have on the same day with Captain Campbell inspected the said slips and records, and we hereby substantiate the statements made by Captain Campbell as to the condition of said records at the time we examined the same.

A. F. CAMPBELL,
Secretary.

MICHAEL J. SCHAACK,
Inspector Fourth Division.

JOHN D. SHEA,
Inspector Commanding Third Division.

EXHIBIT "C."

CHICAGO, ILL., January 31, 1898.

We, the undersigned, hereby certify that, at the request of the Civil Service Commission, we have examined the books of the said Commission, it having been charged by some persons that the books of the Commission had been altered regarding 28 certain so-called short men, who took the examination for patrolmen and who were below 5 ft. 8 inches and above 5 ft. 7 inches, and upon careful investigation of the books of the said Department, we find not a single alteration or erasure or change regarding said men, and that the said books are so kept that it would be impossible to make any change or alteration without subjecting it to detection. We find the books and records of the Civil Service Commission kept in a business-like manner.

F. H. REYNOLDS,
With Marshall Field & Co.

W. L. LINDSEY,
J. V. Farwell Company.

EXHIBIT "D."

CHICAGO, ILL., January 31, 1898.

We, the undersigned, hereby certify that we are members of the Medical Board of the Civil Service Commission; that during the summer of 1897, when the examination for patrolmen was going on, among those being examined were ex-policemen and also those known as "Star Leaguers." The Medical Board, having heard rumors that an exception was to be made in the examination of the experienced men, waited upon the Civil Service Commission for instructions, and that the Medical Board was instructed that in the examination of these men, the old rules had to be strictly obeyed, except as to such modification of the rules as the Commission then adopted and published, and that the Commission expected the Medical Board to be strict in examination and to reject each and every man who was not well adapted, physically, for police service, and particularly such men as showed any signs of alcoholism. And we further certify, that the examination of all those men by us was as careful and thorough as any examination for patrolmen ever conducted by us.

F. KREISSL, M. D.
WM. CUTHBERTSON, M. D.
MAURICE L. GOODKIND, M. D.
A. R. EDWARDS, M. D.

EXHIBIT "E."

CHICAGO, ILL., February 2, 1898.

E. BURRITT SMITH, ESQ.,
First National Bank Bldg., Chicago.

My Dear Sir—You will probably remember a conversation which I had with you and Mr. Hamline in the presence of the other two Civil Service Commissioners, in the City Hall, regarding the re-marking of certain examination papers where complaints were made that the original marking had not been fair. Will you kindly write me briefly your recollection as to the substance of that conversation?

I would not trouble you with this were it not that I consider it of some importance to me personally.

Yours very truly,

ADOLF KRAUS.

EXHIBIT "F."

CHICAGO, February 2, 1898.

HON. ADOLF KRAUS,
City:

Dear Sir—In regard to the subject-matter of your favor of this date, my personal recollection is that you said that in two or three instances, upon complaint of the person affected, the Commission had corrected errors in the marking of examination papers, and that it was its duty so to do. You also said that this action had given rise to suspicions and charges of favoritism on the part of the Commission; and that, to avoid even unfounded suspicions and charges of that character the Commission had adopted a new rule prohibiting the re-marking of examination papers under any circumstances.

While I desire to avoid being drawn into any controversy about this matter, I believe the foregoing to be in substance what you said in respect to the matter in question, and that a different impression, if any, is based upon a misunderstanding.

Yours very truly,

EDWIN BURRITT SMITH.

REPORT

OF THE

CHIEF EXAMINER AND SECRETARY

TO THE

CIVIL SERVICE COMMISSION.

APPENDIX A.

REPORT

OF THE

CHIEF EXAMINER AND SECRETARY

TO THE

CIVIL SERVICE COMMISSION

OF THE

CITY OF CHICAGO.

CHICAGO, January 14, 1898.

Gentlemen—I have the honor to submit herewith a report of the examinations held under the direction of your honorable body for the year ending December 31, 1897. This report includes in a general way the work performed by my predecessor in office, Edward J. Phelps, during the early part of the year.

During the year 1897, 14,301 applications for positions in the Official Service, and 8,137 applications for positions in the Labor Service, have been filed in this office. Of this number in the Official Service 8,690 have been examined and 4,409, or about 51 per cent., have passed; in the Labor Service 5,513 have been examined and 5,141, or about 93 per cent., have passed. The number certified for appointment in the Official Service has been 1,721 and in the Labor Service 2,664. The number of examinations held for the different positions in the Official Service has been 77 and in the Labor Service 44 for skilled and 5 for unskilled laborers. For promotion, two examinations have been held, one for Captains in the Police Department and one for Lieutenants in the Fire Department. The examinations have covered the majority of positions in the classified service. They have been practical in their character, as will be attested by the questions themselves. The work of preparing questions has never been intrusted to incompetent or

inexperienced persons. All examinations of laborers have been oral, and have been conducted by examiners of extensive practical experience and of high standing in the employment for which the applicants were examined.

As will appear from the Financial Statement printed in Appendix D, the expenses of the office for the year have been $46,995.46. The number of eligibles obtained from the examinations of the year is 9,550. The cost for each eligible is therefore $4.92.

As will appear from the Tables of Statistics printed in Appendix C, the work of the office has greatly increased over that of former years, but the high character of the work has been sought to be maintained.

In conclusion I wish to express my warmest gratitude to all those friends of the merit system who have assisted in the preparation and marking of technical papers. Without their kindly co-operation, the work of the office would be seriously impeded.

Very respectfully,

JOHN M. GLENN,

Chief Examiner and Secretary.

REPORT OF MEDICAL BOARD.

APPENDIX B.

REPORT OF MEDICAL BOARD.

TO THE HONORABLE CIVIL SERVICE COMMISSION OF THE CITY OF CHICAGO:

Gentlemen—Herewith we have the honor to submit the annual report of your Medical Board, from January 1st to December 31st, 1897:

EXAMINATIONS BY MEDICAL BOARD.

FIRE DEPARTMENT.

Original Entrance:	*Examined.*	*Passed.*
Drivers	185	144
Assistant Engineers	25	22
Pipemen and Truckmen	471	158
Total	681	324
Promotion to Lieutenants	33	33

POLICE DEPARTMENT.

Original Entrance:		
Patrolmen	3,978	3,220
Drivers	341	337
Total	4,319	3,557
Promotion to Captains	20	20

OTHER BRANCHES OF OFFICIAL SERVICE.

Original Entrance	2,941	2,926
Total (Original Entrance Official Service)	7,941	6,807
Promotions	53	53
Grand Total Official Service	7,994	6,860

LABOR SERVICE.

Labor Service	5,181	5,141
Grand Total Official and Labor Service	13,175	12,001

On August 14th the annual meeting of the Board was held, at which Dr. F. Kreissl was elected President and Dr. M. L. Goodkind, Secretary. We wish to thank the Commission for the courteous treatment and uniform support which we have received at its hands during the past year.

Despite many difficulties, the high standard of the examinations has been maintained. We wish further to express our appreciation of the improved quarters that have been provided for the medical examinations of applicants in the old library rooms of the City Hall.

Trusting that the cordial relations, which have existed between the Commission and their Medical Board may continue, we have the honor to remain,

Yours respectfully,

F. Kreissl, M. D.,
President.
M. L. Goodkind, M. D.,
Secretary.
Wm. Cuthbertson, M. D.,
A. R. Edwards, M. D.,
E. W. Lee, M. D.

TABLES OF STATISTICS.

APPENDIX C.

TABLES OF STATISTICS.

TABLE I. GENERAL SUMMARY.

	Year.	Number of Applications Filed.	Number Examined.	Number Passed.	Per Cent. of Those Examined Passed.	Number Certified for Appointment.
Official Service	*1895	2,273	1,696	648	38.21	119
	1896	4,541	2,529	712	28.15	667
	1897	14,301	8,690	4,409	50.74	1,721
Totals	.....	21,115	12,915	5,769	44.67	2,507
Labor Service	*1895	1,552	395	329	83.29	68
	1896	2,607	1,882	1,717	91.23	729
	1897	8,137	5,513	5,141	93.25	2,664
Totals	.....	12,296	7,790	7,187	92.26	3,461
Totals, Official and Labor Service	*1895	3,825	2,091	977	46.72	187
	1896	7,148	4,411	2,429	55.07	1,396
	1897	22,438	14,203	9,550	67.24	4,385
Grand Totals	.....	33,411	20,705	12,956	62.57	5,968

*Aug. 26—Dec. 31.

TABLE II. OFFICIAL SERVICE—ORIGINAL ENTRANCE.

No. of Examination.	Kind of Examination.	When Held.	Number Examined. Men.	Number Examined. Women.	Number Passed. Men.	Number Passed. Women.	Per Cent. of those Examined Passed.	Average Age. Ex'd	Average Age. Pa'd	Education. Common School. Ex'd	Education. Common School. Pa'd	Education. High School. Ex'd	Education. High School. Pa'd	Education. College. Ex'd	Education. College. Pa'd	Educational Examination. Ex'd	Educational Examination. Pa'd	Examination Regarding Experience and Duties. Ex'd	Examination Regarding Experience and Duties. Pa'd	Examination by Medical Board. Ex'd	Examination by Medical Board. Pa'd	Nativity. United States. Ex'd	United States. Pa'd	British. Ex'd	British. Pa'd	German. Ex'd	German. Pa'd	Irish. Ex'd	Irish. Pa'd	Scandinavian. Ex'd	Scandinavian. Pa'd	Miscellaneous. Ex'd	Miscellaneous. Pa'd
1	Pages, Library	Jan. 22	143	....	36	....	25.17	18.4	18.8	119	24	22	10	2	2	143	42	....	....	42	36	129	32	2	....	5	1	2	2	1	....	4	1
2	Stenographers	Feb. 20	18	30	9	9	37.50	26.2	27.7	28	9	20	9	....	....	48	34	34	18	18	18	43	15	3	2	1	....	....	....	1	1	....	....
3	Assistant Engineers, Fire Dep't.	" 23	66	....	22	....	33.33	25.5	25.1	63	20	3	2	....	....	66	50	66	25	25	22	49	18	5	1	1	....	5	1	3	1	3	1
4	Rodmen	" 25	63	....	22	....	34.92	29.2	27.5	27	6	20	5	16	11	63	61	63	22	22	22	47	17	6	1	2	1	1	....	4	2	3	1
5	Paving Inspectors	March 23	90	....	23	....	25.56	40.7	39.4	71	14	14	6	5	3	90	79	90	23	23	23	68	22	5	1	....	....	8	....	4	....	5	....
6	Mason Inspectors	" 24	33	....	15	....	45.45	39	41.9	32	14	1	1	....	....	33	25	33	15	15	15	20	11	6	2	....	....	7	2	....	....	....	....
7	Drivers, Fire Dep't	" 4	52	....	13	....	25	25.4	23.4	50	13	2	....	....	....	....	....	13	13	52	13	38	10	....	....	3	1	6	2	3	....	2	....
8	Patrolmen	April 7	1130	....	443	....	39.20	28.4	29.1	1090	431	34	8	6	4	450	443	....	....	1130	450	657	241	69	28	65	25	259	119	45	21	35	9
9	Ex-Patrolmen	" 7	527	....	435	....	82.54	32.6	32.1	519	427	6	6	2	2	452	435	....	....	527	452	278	229	15	13	22	17	193	163	7	5	12	8
10	Pipemen and Truckmen	" 8	471	....	154	....	32.70	25.2	25.4	461	148	9	5	1	1	158	154	....	....	471	158	306	100	23	3	32	7	72	30	16	8	22	6
11	Material Inspectors	" 9	21	....	4	....	19.05	45.3	38	17	2	4	2	....	....	21	15	21	4	4	4	15	4	4	....	1	....	1	....	....	....	....	....
12	Guards, House of Correction	" 9	33	....	18	....	54.55	31	30.9	23	12	5	4	5	2	33	22	....	....	22	18	17	9	4	3	2	2	7	4	....	....	3	....
13	Messengers	" 10	90	....	68	....	75.56	21.5	20.9	76	54	12	12	2	2	90	70	....	....	70	68	72	53	4	4	3	2	3	3	3	3	5	3
14	Meat Inspectors	" 13	38	....	9	....	23.68	39.5	33.6	28	4	8	3	2	2	38	32	38	9	9	9	28	7	6	....	1	1	2	1	1	....	....	....
15	Milk Inspectors	" 20	58	....	38	....	65.52	34	33	44	28	9	6	5	4	58	48	58	38	38	38	37	25	7	5	7	3	2	1	1	....	4	4
16	Sidewalk Inspectors	" 21	74	....	13	....	17.57	39.1	34.4	59	8	11	3	4	2	74	62	74	13	13	13	52	10	7	....	7	....	1	1	3	....	4	2
17	Draughtsmen	" 22	30	....	10	....	33.33	34.9	32.2	9	2	12	3	9	5	30	21	30	10	10	10	15	5	2	1	9	3	....	....	....	....	4	1
18	Milk Testers	May 19	6	....	3	....	50	34.7	30.7	3	1	1	....	2	2	....	....	6	3	3	3	4	2	....	....	....	....	1	....	....	....	1	1
19	Gas Lamp Inspectors	" 20	45	....	31	....	68.89	34.6	33.3	34	21	7	6	4	4	45	31	....	....	31	31	27	16	2	1	3	3	11	10	....	....	2	1
20	Ward and Street Inspectors	" 22	252	18	215	16	85.56	37.6	37.4	213	175	38	37	19	19	270	231	270	243	231	231	157	142	26	25	25	19	38	30	6	3	18	12
21	Clerks, Grades 1 and 2	June 5	967	39	727	32	75.45	31.5	31.3	742	530	210	179	54	50	1006	760	....	....	760	759	750	582	55	44	52	36	83	66	14	7	52	24
22	Gas Lamp Inspectors	" 11	26	....	15	....	57.69	36.5	25.2	24	13	1	1	1	1	26	15	....	....	15	15	16	9	4	3	....	....	6	3	....	....	....	....
23	Chief Clerks and Secretaries	" 12	82	1	61	1	74.70	35.9	36	40	27	24	16	19	19	83	62	....	....	62	62	63	46	11	9	....	....	7	5	....	....	2	2
24	Real Estate Clerks	" 12	107	2	18	1	17.43	34.9	36.4	71	12	28	4	10	3	109	91	109	19	19	19	78	12	10	4	2	1	12	2	3	....	4	....
25	Clerks, Bureau of Engineering	" 12	3	....	....	....	.....	43.7	....	2	....	1	....	....	....	3	2	3	....	....	....	3	....	....	....	....	....	....	....	....	....	....	....
26	Recorders of Deaths	" 12	18	....	6	....	33.33	32.2	31.7	10	2	4	1	4	3	18	14	18	6	6	6	14	4	2	1	1	....	1	1	....	....	....	....
27	Special Clerks	" 12	302	8	262	8	87.10	34.6	34.1	201	170	80	72	29	28	310	270	....	....	270	270	238	209	21	18	12	9	26	24	2	2	11	8
28	Accountants	" 12	71	1	60	1	84.72	36.6	35.2	41	37	24	17	7	7	72	61	....	....	61	61	55	46	4	4	4	2	9	9	....	....	....	....
29	Book-keepers	" 12	100	2	93	2	93.14	35.7	35.2	66	61	25	23	11	11	102	95	....	....	95	95	77	71	6	6	5	4	12	12	1	1	1	1
30	Cashiers and Assistants	" 12	77	2	68	2	88.61	36.2	35.8	45	41	22	17	12	12	79	70	....	....	70	70	61	54	6	6	3	1	8	8	....	....	1	1
31	Clerks, License	" 12	65	....	51	..	78.46	33.3	33	42	32	15	12	8	7	65	51	....	....	51	51	49	37	4	3	5	5	4	3	....	....	3	3
32	Drivers, Police Dep't	" 18	348	....	337	....	97.68	31.5	31.6	337	331	8	6	....	....	....	....	348	341	341	337	257	251	19	19	14	14	46	45	3	3	6	5

33	Mechanical Engineers	June	19	119	....	49	....	41.18	37.6	35	108	40	8	6	3	3	119	51	119	49	49	49	76	36	14	4	10	1	11	4	5	4	3	....
34	Telephone Operators	"	19	249	....	42	....	16.87	24.1	25.5	211	35	37	7	1	....	249	226	249	42	42	42	223	37	10	3	2	....	11	2	1	....	2	....
35	Smoke Inspectors	"	19	48	....	14	....	29.17	38	39	36	10	8	2	4	2	48	34	48	14	14	14	35	10	....	....	1	....	8	4	....	....	4	....
36	Building Inspectors	"	21	131	....	25	....	19.08	40.2	38.3	113	23	13	2	5	....	131	96	131	25	25	25	67	10	18	3	20	7	13	2	5	1	8	2
37	Rate Takers	"	22	57	....	25	....	43.86	34.2	31.2	51	21	5	3	1	1	57	25	....	....	25	25	33	16	6	2	4	....	11	5	1	1	2	1
38	Water Assessors, Assistant	"	22	23	....	19	....	82.61	35	34.1	16	12	5	5	2	2	23	19	....	....	19	19	17	14	2	2	1	....	1	1	1	1	1	1
39	Sub-Corporation Inspectors	"	24	52	....	5	....	9.62	37.4	36.6	41	1	10	4	1	....	52	35	52	5	5	5	38	4	5	1	1	....	3	....	1	....	4	....
40	Mason Inspectors	"	25	40	....	16	....	40	42.5	41.3	37	13	3	3	....	....	40	16	40	16	16	16	22	9	7	3	2	2	8	2	....	....	1	....
41	Material Inspectors	"	25	17	....	1	....	5.88	42.7	42	15	....	1	....	1	1	17	6	17	1	1	1	9	....	1	....	....	....	5	....	....	....	2	1
42	Custodians, Police Department	"	25	14	....	8	....	57.14	36.4	34.4	6	3	5	3	3	2	14	13	14	8	8	8	9	5	3	2	....	....	....	....	1	1	1	....
43	Street Dist. Foremen	"	26	81	....	10	....	12.35	39	42	70	7	5	2	6	1	81	48	81	10	10	10	39	6	5	1	9	....	17	1	3	2	8	....
44	Paving Inspectors	"	26	78	....	10	....	12.82	37.8	41.6	66	4	8	4	4	2	78	48	78	10	10	10	50	6	4	1	8	2	9	1	3	....	4	....
45	Sidewalk Inspectors	"	26	119	....	10	....	8.40	40.7	38.2	104	8	10	2	5	..	119	60	119	10	10	10	64	7	7	....	22	....	17	3	....	....	9	....
46	Matrons, Police	"	26	....	149	....	90	60.40	38.6	39	139	84	9	5	1	1	149	90	149	90	90	90	109	67	7	4	7	4	25	14	....	....	1	1
47	Water Inspectors	"	26	260	....	177	....	65.80	36.1	34.7	231	145	29	25	9	7	269	177	....	....	177	177	150	109	18	13	34	15	33	24	5	3	29	13
48	Meat Inspectors	"	30	75	....	8	....	10.67	37	32.9	67	4	5	2	3	2	....	....	75	8	8	8	41	6	5	1	14	1	8	....	....	....	7	....
49	Water Pipe Inspectors	July	9	14	....	5	....	35.71	35.7	37.8	8	2	4	2	2	1	14	8	14	5	5	5	10	5	1	....	2	....	1	....	....	....	....	....
50	Curbstone Inspectors	"	9	29	....	8	....	27.59	37.6	35.4	24	4	3	2	2	2	29	13	29	8	8	8	11	5	1	....	3	1	7	2	1	....	6	....
51	Tenement Inspectors	"	10	114	22	24	3	19.85	37.9	37.1	107	16	19	5	10	6	136	60	136	27	27	27	87	18	12	2	18	2	12	3	....	....	7	2
52	Plumbing Insp'rs, Health Dept.	"	10	83	....	34	....	40.96	30.4	30.4	78	30	4	3	1	1	83	34	83	34	34	34	68	28	6	3	3	1	5	2	1	....	....	....
53	Plumbing Insp'rs, Public Works	"	10	19	....	10	....	52.63	33.3	36	18	9	1	1	....	....	19	10	19	10	10	10	14	7	2	1	1	....	2	2	....	....	....	....
54	House Drain Inspectors	"	10	69	....	20	....	28.99	38.3	38.7	64	19	2	....	3	1	69	20	69	20	20	20	42	14	2	1	3	2	18	2	1	....	3	1
55	Medical Inspectors	"	13	49	5	10	....	18.52	33	31	3	....	4	1	47	9	..	....	54	10	10	10	44	9	1	....	3	1	....	....	....	....	6	....
56	Elevator Inspectors	"	14	27	....	12	....	44.44	39.6	39.9	21	10	4	2	2	....	....	....	27	12	12	12	14	6	2	1	1	1	6	3	4	1	....	....
57	Electric Light Inspectors	"	14	26	....	10	....	38.46	32.7	35.4	15	5	7	3	4	2	..	....	26	10	10	10	19	9	4	1	....	....	1	....	1	....	1	....
58	Clerks, Library	"	16	43	234	16	60	27.44	25.9	27.6	130	18	127	48	20	10	277	261	277	76	76	76	245	69	12	2	2	1	7	1	1	1	10	2
59	Foremen, Dump	"	28	41	....	34	....	82.93	38.8	38.2	39	32	1	1	1	1	41	34	....	....	34	34	23	21	4	4	5	2	7	6	1	1	1	....
60	Mechanical Eng'rs, Grade 5	Aug.	4	43	....	19	....	44.19	39.3	41	41	17	1	1	1	1	....	....	43	19	19	19	28	8	11	8	....	....	2	1	....	....	2	2
61	Coal Testers	"	20	14	....	3	....	21.43	33.9	30	10	1	4	2	....	....	....	....	14	3	3	3	11	3	....	....	....	....	3	....	....	....	....	....
62	Street Opening and Obs. Insp'rs	Sept.	25	100	....	20	....	20	38.4	36.6	88	16	7	2	5	2	100	94	100	20	20	20	66	13	4	1	9	1	17	4	1	....	3	1
63	Pages, Library	Nov.	2	61	....	37	....	60.66	19.7	19.4	50	29	10	7	1	1	61	39	....	....	39	37	49	31	2	1	3	1	2	1	....	....	5	3
64	Stenographers	"	3	14	40	10	27	68.52	24.9	25.4	39	27	13	8	2	2	....	....	54	37	37	37	48	32	1	1	....	....	4	3	....	....	1	1
65	Drivers, Fire	"	4	133	....	26	....	19.55	25.4	28.0	132	26	1	0	....	....	....	....	131	26	133	131	117	23	3	0	4	1	6	2	....	....	3	0
66	Fumigators	"	17	105	....	48	....	45.71	35.1	34.2	77	28	5	4	23	16	105	84	105	48	48	48	74	39	3	0	7	3	14	3	3	1	4	2
67	Mechanical Eng'rs, Grade 4	"	30	65	....	35	....	53.85	37.0	38.8	63	35	1	0	1	0	65	45	65	35	35	35	52	31	7	4	1	0	4	0	....	....	1	0
68	Special Assessment Clerks	Dec.	1	173	5	25	0	14.05	33.8	36.	131	18	19	1	28	6	178	141	178	25	25	25	143	19	6	1	7	0	14	4	1	0	7	1
	Totals			7997	558	4104	252	50.92	....	....	7036	3421	1078	644	441	291	6658	5183	3867	1515	5620	4489	5867	3021	534	278	494	206	1145	649	162	74	353	128
				8555		4356																												

TABLE III. OFFICIAL SERVICE—PROMOTION.

No. of Examination.	Kind of Examination.	When Held.	Number Examined.	Number Passed.	Per Cent. of Those Examined Passed.	Number Promoted.	Educational Examination.		Technical Examination.		Number Passed in both Educational and Technical Examinations.	Efficiency Record.		Examination by Medical Board.		Seniority Record (years actual service) of Those Passed.		
							Examined.	Passed.	Examined.	Passed.		Examined.	Passed.	Examined.	Passed.	Maximum.	Minimum.	Average.
1	Captains, . . Police Department	March 2	20	20	100	.....	20	20	20	20	20	20	20	20	20	23	5	11.8
2	*Lieutenants, " "	" 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3	*Desk Sergeants, " "	" 4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4	*Patrol Sergeants, " "	" 13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5	Lieutenants, . Fire "	" 12	95	33	34.74	19	95	73	95	73	73	73	33	33	33	22	1	6
	Totals.....	.....	115	53	46.09	19	115	93	115	93	93	93	53	53	53	.....	.....	.....

*Incomplete.

TABLE IV. LABOR SERVICE—SKILLED LABORERS.

Number of Examination.	Kind of Examination.	When Held.	Number Examined.	Number Passed.	Per Cent. of Those Examined Passed.	Average Age.		Examination Regarding Experience and Duties.		Examination by Medical Board.		Nativity. United States.		Bohemian.		British.		German		Irish.		Italian.		Russian and Polish.		Scandinavian.		Miscellaneous	
						Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd	Ex'd	Pa'd
1	Elevator Men	March 27	22	20	90.91	31.6	31	22	20	20	20	15	14	....	....	3	2	....	....	3	3	....	....	....	....	....	....	1	1
2	Arc Lamp Repairers	May 20 et seq.	4	4	100	22	22	4	4	4	4	4	4	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
3	Arc Lamp Trimmers	"	44	31	70.45	30.6	30.1	44	33	33	31	35	25	....	....	2	2	1	0	2	0	....	....	....	....	2	2	2	2
4	Linemen, Aerial	"	18	13	72.22	30.8	30.9	18	14	14	13	16	11	....	....	1	1	....	....	....	....	....	....	....	....	....	....	1	1
5	Linemen, Underground	"	2	0	0	44	0	2	1	1	0	1	0	....	....	1	0	....	....	....	....	....	....	....	....	....	....	....	....
6	Blacksmiths	"	48	46	95.83	40.8	40.5	48	47	47	46	7	7	2	2	14	14	7	7	10	9	....	....	....	....	3	2	5	5
7	Blacksmiths' Helpers	"	16	15	93.75	34.6	34.7	16	15	15	15	4	4	1	1	2	2	4	4	4	3	....	....	1	1	....	....	....	....
8	Calkers	"	50	50	100	36.4	36.4	50	50	50	50	12	12	....	....	2	2	3	3	31	31	....	....	....	....	2	2	....	....
9	Gasfitters	"	2	2	100	40.5	40.5	2	2	2	2	....	....	....	....	1	1	....	....	1	1	....	....	....	....	....	....	....	....
10	Hostlers	"	19	14	73.68	35.3	25.7	19	17	17	14	12	10	1	1	1	1	1	1	4	1	....	....	....	....	....	....	....	....
11	Plumbers	"	22	20	90.91	29.1	29.7	22	20	20	20	18	16	....	....	....	....	1	1	2	2	....	....	....	....	1	1	....	....
12	Elevator Men	June 17 et seq.	96	58	60.42	32	29.8	96	58	58	58	71	46	....	....	5	3	4	1	7	5	....	....	3	2	3	1	3	0
13	Oilers	"	159	102	64.15	31.8	32.1	159	102	102	102	96	65	1	1	10	7	12	4	29	19	1	0	4	2	4	3	2	1
14	Cedar Block Pavers	"	30	27	90	41.8	41.7	30	27	27	27	9	9	1	0	2	2	5	4	4	4	1	1	....	....	8	7	....	....
15	Granite Block Pavers	"	4	4	100	35.8	35.8	4	4	4	4	....	....	....	....	1	1	2	2	1	1	....	....	....	....	....	....	....	....
16	Firemen, Stationary	"	90	66	73.33	35.5	35.9	90	66	66	66	25	15	1	1	7	6	8	4	44	38	....	....	3	1	....	....	2	1
17	Boiler Washers	"	15	10	66.67	35.9	37.9	15	10	10	10	7	4	1	1	....	....	1	1	5	3	....	....	....	....	1	1	....	....
18	Janitors	"	186	152	81.72	39.4	39.2	186	153	153	152	77	67	3	3	8	7	23	21	36	27	5	2	4	3	12	9	18	13
19	Janitresses	"	161	153	95.03	35.8	35.9	161	153	153	153	82	80	3	2	11	10	25	23	29	27	....	....	....	....	6	6	5	5
20	Shut Off Men	"	89	63	70.79	35.6	36	89	63	63	63	50	40	2	0	3	2	10	6	16	14	....	....	3	0	2	1	3	0
21	Leak and Waste Men	"	7	7	100	32.3	32.3	7	7	7	7	4	4	....	....	....	....	....	....	3	3	....	....	....	....	....	....	....	....
22	Machinists	"	80	58	72.50	34.2	35.3	80	59	59	58	46	35	2	0	11	9	13	8	4	4	....	....	....	....	1	1	3	1
23	Carpenters	"	323	296	91.64	42.4	42.3	323	298	298	296	70	68	16	14	44	42	90	80	39	35	1	1	8	6	39	34	16	16
24	Carpenters, Bridge	"	42	23	54.76	43.8	45.7	42	23	23	23	14	11	3	0	4	4	7	1	7	6	....	....	....	....	4	1	3	0
25	Watchmen	"	162	149	91.98	45.1	44.8	162	156	156	149	49	47	4	4	6	6	22	19	61	56	4	2	9	8	3	3	4	4
26	Machinists' Helpers	"	4	4	100	31	31	4	4	4	4	2	2	....	....	....	....	1	1	1	1	....	....	....	....	....	....	....	....
27	Carpenters, Sidewalk	"	37	36	97.30	46	46.3	37	37	37	36	13	12	1	1	2	2	8	8	4	4	1	1	....	....	6	6	2	2
28	Carriage and Wagon Makers	"	2	2	100	33.5	33.5	2	2	2	2	1	1	....	....	....	....	....	....	1	1	....	....	....	....	....	....	....	....
29	Painters	"	96	88	91.67	36.6	36.6	96	88	88	88	49	48	2	2	4	4	14	11	12	10	1	1	2	1	8	8	4	3
30	Painters, Carriage	"	6	5	83.33	37.3	33.4	6	5	5	5	4	4	1	1	....	....	....	....	....	....	....	....	....	....	1	0	....	....
31	Stone Masons	"	6	4	66.67	35.5	37.8	6	4	4	4	....	....	1	0	....	....	4	3	....	....	1	1	....	....	....	....	....	....
32	Tappers	"	20	18	90	34.2	34.2	20	19	19	18	12	11	....	....	1	1	1	1	5	5	....	....	1	0	....	....	....	....
33	Meter Setters	"	12	12	100	36.5	36.5	12	12	12	12	8	8	....	....	1	1	1	1	2	2	....	....	....	....	....	....	....	....
34	Tinners	"	53	53	100	36.2	36.2	53	53	53	53	23	23	2	2	5	5	9	9	3	3	....	....	1	1	5	5	5	5
35	Painters' Helpers	"	1	1	100	50	50	1	1	1	1	....	....	....	....	....	....	....	....	1	1	....	....	....	....	....	....	....	....
36	Brick Masons	"	98	98	100	35.5	35.5	98	98	98	98	36	36	3	3	6	6	12	12	29	29	1	1	....	....	3	3	8	8
37	Brick Masons' Helpers	"	2	2	100	44	44	2	2	2	2	....	....	....	....	....	....	1	1	1	1	....	....	....	....	....	....	....	....
38	Assistant Foremen, Sewers	"	21	14	66.67	39.1	37.8	21	14	14	14	9	7	....	....	2	2	2	1	3	2	5	2	....	....	....	....	....	....
39	Ass't Foremen, Water Pipe Ext'n	"	58	46	79.31	38	38.5	58	46	46	46	21	16	1	1	3	3	3	2	23	23	4	0	1	0	2	1	....	....
40	Assistant Foremen, Pipe Yards	"	6	6	100	34.7	34.7	6	6	6	6	2	2	....	....	....	....	1	1	2	2	....	....	....	....	....	....	1	1
41	Iron and Bridge Workers	Sept. 13	28	28	100	37.9	37.9	28	28	28	28	17	17	....	....	3	3	3	3	4	4	....	....	....	....	1	1	....	....
42	Glaziers	Oct. 4	17	14	82.35	36.7	37.2	17	14	14	14	9	7	....	....	....	....	1	1	4	4	....	....	2	2	....	....	1	0
43	Machinists' Helpers	Dec. 13	42	37	88.10	32.2	32.4	42	37	37	37	25	22	1	1	1	1	3	3	10	9	1	0	1	1	....	....	....	....
44	Machinists	" 14	20	16	80	37.1	37.4	20	16	16	16	13	11	2	1	....	....	2	2	....	....	....	....	....	....	1	1	2	1
	Totals		2220	1867	84.10	....	....	2220	1888	1888	1867	968	821	55	42	167	152	305	250	447	393	26	12	43	28	118	99	91	70

TABLE V. LABOR SERVICE—UNSKILLED LABORERS.

No. of Examination.	Kind of Examination.	When Held.	Number Examined.	Number Passed.	Per Cent. of Those Examined Passed.	Examination by Medical Board.		Examination Regarding Experience and Duties.	
						Examined.	Passed.	Examined.	Passed.
1	Common and Street.....	June 17 set eq.	1551	1533	98.84	1551	1533	1533	1533
2	Sewer.....	"	403	402	99.75	403	402	402	402
3	Water Pipe Extension.....	"	1261	1261	100	1261	1261	1261	1261
4	Crib.....	"	30	30	100	30	30	30	30
5	Shut Off.....	"	48	48	100	48	48	48	48
	Totals.....	.....	3293	3274	99.42	3293	3274	3274	3274

TABLE VI. EXAMINATIONS BY MEDICAL BOARD.

	Fire Department.			Police Department.			Other Branches of the Official Service.			Labor Service.			Totals.		
	Number Examined.	Number Passed.	Per Cent. Passed.	Number Examined.	Number Passed.	Per Cent. Passed.	Number Examined.	Number Passed.	Per Cent. Passed.	Number Examined.	Number Passed.	Per Cent. Passed.	Number Examined.	Number Passed.	Per Cent. Passed.
Original Entrance .	681	324	47.58	4319	3557	82.36	2941	2926	99.49	5181	5141	99.23	13122	11948	91.05
Promotion	33	33	100	20	20	100	....	....	.....	....	....	.....	53	53	100
Totals.....	714	357	50.00	4339	3577	82.44	2941	2926	99.49	5181	5141	99.23	13175	12001	91.09

TABLE VII. ENROLLMENT OF UNSKILLED LABORERS BY DISTRICTS.

WARD.	1 2	3 4 5	6 7	8	9	11 12	16	17	18	19	10	14	13 15	20 21 22	23 24	25 26	27 28	30 31 32	33 34	29	WARD.
DISTRICT.	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV	XV	XVI	XVII	XVIII	XIX	XX	DISTRICT.
CLASS OF LABOR.																					Totals.
I. Bureaus of Engineering and Water: Lamps and Street Repairs, Bureau of Streets	59	114	213	89	107	65	43	79	45	200	116	42	149	57	104	132	35	259	474	130	2,512
II. Bureau of Streets (not included in I); Bureau of Street and Alley Cleaning	314	238	452	182	163	95	168	263	75	881	181	74	323	164	232	128	75	301	298	156	4,763
III. Bureau of Sewers	14	26	19	8	7	9	6	26	16	119	16	3	12	10	17	46	2	71	32	94	553
IV. Laborers in Fire, Police and Electric Light Departments	1	1	0	1	1	3	1	1	1	6	1	0	1	0	4	2	0	0	1	0	25
Totals	388	379	684	280	278	172	218	369	137	1,206	314	119	485	231	357	308	112	631	805	380	7,853

TABLE VIII. CERTIFICATIONS FOR APPOINTMENT.

OFFICIAL SERVICE—Original Entrance.

KIND OF EXAMINATION.	Number Certified.	KIND OF EXAMINATION.	Number Certified.
Accountants	9	Brought forward	602
Assessors, Assistant Water	4	Inspectors—Continued.	
Bookkeepers	13	House Drain	30
Cashiers and Assistant Cashiers	5	Mason	28
Clerks, Grades 1 and 2	160	Material	11
" Special, above Grade 2	66	Meat	9
" Library	14	Medical	1
" License	10	Milk	5
" Real Estate and Special Assessment	24	Mining	3
Coal Testers	6	Obstruction	10
Draughtsmen	15	Paving	49
Engineers, Civil	4	Plumbing, Health Dept	13
" Mechanical, Grades 1 & 2	55	" Public Works Dept.	11
" " above Grade 2	29	Sidewalks	7
Fire Department—		Smoke	7
Assistant Engineers	12	Sub-Corporation	5
Drivers	38	Tenement	25
Pipemen and Truckmen	33	Ward and Street	67
Foremen—		Water	43
Dump	4	Water Pipe	6
Street	2	Messengers	34
Street District	1	Pages	29
Water Pipe Extension	21	Police Department—	
Fumigators	9	Drivers	131
Guards, House of Correction	11	Matrons	4
Inspectors—		Patrolmen	445
Building	19	Rate Takers	16
Curbstone	8	Recorders of Deaths	1
Electric Light	8	Rodmen	10
Elevator	4	Stenographers	17
Gas	18	Telephone Operators	58
	602	Total	1,677

OFFICIAL SERVICE—Promotion.

Clerks, Grades 3 and 4	12	Brought forward	25
Captains, 2d Class, Fire Dept	6	Lieutenants, 2d Class, Fire Department	19
Engineers, Fire Department	7		
	25	Total	44

Grand Total (Official Service) 1,721

TABLE IX. CERTIFICATIONS FOR APPOINTMENT.

Labor Service.—Skilled Laborers.

KIND OF EXAMINATION.	Number Certified.	KIND OF EXAMINATION.	Number Certified.
Arc Lamp Trimmers	14	Brought forward	480
Blacksmiths	12		
" Helpers	7	Leak and Waste Men	20
Boiler Washers	9	Linemen, Aerial	12
Calkers	37	" Underground	3
Carpenters	50	Machinists	36
" Bridge	71	" Helpers	6
" Sidewalk	24	Masons	48
Carriage and Wagon Makers	2	Meter Setters	12
Coal Passers	21	Oilers	118
Elevator Men	35	Painters	36
Firemen	74	Pavers, Cedar Block	12
Foremen (Ass't), Pipe Yards	3	" Granite "	10
" " Sewers	13	Plumbers	1
" " Water Pipe Extension.	25	Scrub Women	14
Glaziers	1	Shut-off Men	12
Hostlers	15	Tappers	15
Iron Bridge Workers	1	Tinners	11
Janitors	45	Watchmen and Yardmen	74
Janitresses	21	Water Boys	9
	480	Total	929

Labor Service—Unskilled Laborers.

Common and Street	713	Brought forward	1,688
Sewer	246		
Water Pipe Extension	729	Crib	47
	1,688	Total	1,735
Grand Total (Labor Service)			2,664

FINANCIAL STATEMENT.

APPENDIX D.

CIVIL SERVICE COMMISSION—FINANCIAL STATEMENT

FOR THE

YEAR ENDING DECEMBER 31, 1897.

JANUARY, 1897.

Salaries (Official)	$ 1,000 00
Examiners	955 00
Clerical Hire	170 00
Stationery	7 85
Incidentals	4 60
Blank Books	57
*Investigations	1,626 10
	$ 3,764 12

FEBRUARY, 1897.

Salaries	$ 1,000 00
Examiners	977 00
Clerical Hire	158 36
Stationery	27 15
Postage	44 00
Incidentals	33 89
Printing	1,416 61
Advertising	20 88
Blank Books	42 29
	$ 3,720 18

MARCH, 1897.

Salaries	$ 1,000 00
Examiners	1,383 00
Clerical Hire	264 98
Stationery	62 69
Incidentals	24 90
Printing	120 85
Advertising	15 84
	$ 2,872 26

* "Schrage Bond Investigation."

APRIL, 1897.

Salaries	$ 1,000 00
Examiners	1,640 00
Clerical Hire	251 66
Stationery	26 89
Office Furniture	9 20
Postage	10 00
Incidentals	55 71
Printing	112 90
Advertising	31 14
Blank Books	2 51
Telephone	33 75
	$ 3,173 76

MAY, 1897.

Salaries	$ 1,000 00
Examiners	2,221 50
Clerical Hire	251 66
Stationery	124 09
Office Furniture	9 50
Postage	487 20
Incidentals	97 51
Printing	18 50
	$ 4,209 96

JUNE, 1897.

Salaries	$ 1,000 00
Examiners	2,805 50
Clerical Hire	216 66
Stationery	138 86
Office Furniture	63 70
Postage	132 90
Incidentals	111 88
Printing	263 80
Advertising	21 12
Blank Books	57 40
	$ 4,811 82

JULY, 1897.

Salaries	$ 1,000 00
Examiners	2,826 82
Clerical Hire	249 66
Stationery	27 28
Postage	274 20
Incidentals	87 75
Printing	120 49
Advertising	70 00
Blank Books	35 61
	$ 4,691 81

AUGUST, 1897.

Salaries	$ 1,000 00
Examiners	3,203 47
Clerical Hire	261 36
Stationery	83 01
Office Furniture	50 00
Postage	20 00
Incidentals	27 70
Printing	193 50
Advertising	26 41
Blank Books	24 30
	$ 4,889 75

SEPTEMBER, 1897.

Salaries	$ 1,000 00
Examiners	2,438 50
Clerical Hire	156 08
Stationery	19 82
Printing	19 10
Advertising	8 98
Blank Books	103 35
	$ 3,745 83

OCTOBER, 1897.

Salaries	$ 1,000 00
Examiners	1,702 80
Clerical Hire	198 91
Stationery	27 64
Postage	10 00
Incidentals	11 25
Printing	20 00
Advertising	70 24
Blank Books	70 70
	$ 3,111 54

NOVEMBER, 1897.

Salaries	$ 1,000 00
Examiners	2,237 50
Clerical Hire	130 00
Stationery	50 89
Office Furniture	18 60
Postage	347 20
Incidentals	61 68
Printing	114 50
Investigations	10 00
	$ 3,970 37

DECEMBER, 1897.

Salaries	$ 1,000 00
Examiners	2,556 07
Clerical Hire	150 00
Postage	38 20
Incidentals	4 70
Office Furniture	98 53
Court Proceedings	186 56
	$ 4,034 06

RECAPITULATION, 1897.

January	$ 3,764 12
February	3,720 18
March	2,872 26
April	3,173 76
May	4,209 96
June	4,811 82
July	4,691 81
August	4,889 75
September	3,745 83
October	3,111 54
November	3,970 37
December	4,034 06
	$ 46,995 46

CIVIL SERVICE ACT.

APPENDIX E.

CIVIL SERVICE ACT.

AN ACT TO REGULATE THE CIVIL SERVICE OF CITIES, APPROVED MARCH 20, 1895.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: **Commissioners Appointed—Oath.** The mayor of each city in this state which shall adopt this act as hereinafter provided, shall, not less than forty nor more than ninety days after the taking effect of this act in such city, appoint three persons, who shall constitute and be known as the Civil Service Commissioners of such city, one for three years, one for two years, and one for one year from the time of appointment and until their respective successors are appointed and qualified; and in every year thereafter the mayor shall, in like manner, appoint one person as the successor of the commissioner whose term shall expire in that year to serve as such commissioner for three years and until his successor is appointed and qualified. Two commissioners shall constitute a quorum. All appointments to said Commission, both original and to fill vacancies, shall be so made that not more than two members shall, at the time of appointment, be members of the same political party. Said commissioners shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of this State.

SEC. 2. **Removal of Commissioners — Vacancy.** The mayor may, in his discretion, remove any commissioner for incompetence, neglect of duty, or malfeasance in office. The mayor shall within ten days report in writing any such removal to the city council, with his reasons therefor. Any vacancy in the office of commissioner shall be filled by appointment by the mayor.

SEC. 3. **Classification.** Said commissioners shall classify all the offices and places of employment in such city, with reference to the examinations hereinafter provided for, except those offices and places mentioned in section eleven of this act. The offices and places so classified by the Commission shall constitute the classified civil service of such city; and no appointments to any of such offices or places shall be made except under and according to the rules hereinafter mentioned.

SEC. 4. **Rules.** Said Commission shall make rules to carry out the purposes of this act, and for examinations, appointments and removals in accordance with its provisions, and the Commission may, from time to time, make changes in the original rules.

SEC. 5. **Publication of Rules. Time of Taking Effect.** All rules made as hereinbefore provided, and all changes therein, shall forthwith be printed for distribution by said Commission; and the Commission shall give notice of the place or places where said rules may be obtained by publication in one or more daily newspapers, published in such city, and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication when said rules shall go into operation.

SEC. 6. **Examinations.** All applicants for offices or places in said classified service, except those mentioned in section eleven, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The Commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examination as the Commission may direct, and to make return or

report thereof to said Commission, and the Commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the Commission may themselves at any time act as such examiners, and without appointing examiners. The examiners at any examination shall not all be members of the same political party.

SEC. 7. **Notice of Examinations.** Notice of the time and place and general scope of every examination shall be given by the Commission by publication for two weeks preceding such examination in a daily newspaper of general circulation published in such city, and such notice shall also be posted by said Commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examination may be given as the Commission shall prescribe.

SEC. 8. **Registers.** From the returns or reports of the examiners, or from the examinations made by the Commission, the Commission shall prepare a register for each grade or class of positions in the classified service of such city of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such Commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

SEC. 9. **Promotions.** The Commission shall, by its rules, provide for promotions in such classified service, on the basis of ascertained merit and seniority in service and examination, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the Commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination, and the rules governing the same and the method of certifying, shall be the same as provided for applicants for original appointment.

SEC. 10. **Appointments to Classified Service.** The head of the department or office in which a position classified under this act is to be filled shall notify said Commission of that fact, and said Commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that, in cases of laborers where a choice by competition is impracticable, said Commission may provide by its rules that the selections shall be made by lot from among those candidates proved fit by examination. In making such certification sex shall be disregarded, except when some statute, the rules of said Commission or the appointing power specifies sex. The appointing officer shall notify said Commission of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said Commission therefor, which appointment shall be on probation for a period to be fixed by said rules. Said Commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation the head of the department or office in which a candidate is employed may, by and with the consent of said Commission, discharge him upon assigning in writing his reason therefor to said Commission. If he is not then discharged his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or office may, with the approval of the Commission, make temporary appointment to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this act can be made.

SEC. 10½. **Soldiers Who Are Eligible to Have Their Names Placed at the Head of the List.** (See amendment to Civil Service Act, page 42.) Persons who were engaged in the military or naval service of the United States during the years 1861, 1862, 1863, 1864 or 1865, and who were honorably discharged therefrom, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, and it shall be the duty of the examiner or commissioner certifying the list of eligibles who have taken the

examinations provided for in this act, to place the name or names of such persons at the head of the list of eligibles certified for appointment.

SEC. 11. **Officers Excepted from Classified Service.** Officers who are elected by the people, or who are elected by the city council pursuant to the city charter, or whose appointment is subject to confirmation by the city council, judges and clerks of election, members of any Board of Education, the superintendent and teachers of schools, heads of any principal department of the city, members of the law department, and one private secretary of the mayor, shall not be included in such classified service.

SEC. 12. **Removals.** No officer or employe in the classified civil service of any city who shall have been appointed under said rules and after said examination, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said Civil Service Commission, or by or before some officer or board appointed by said Commission, to conduct such investigation. The finding and decision of such Commission or investigating officer or board, when approved by said Commission, shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges each member of the Commission, and of any board so appointed by it, and any officer so appointed shall have the power to administer oaths and shall have power to secure by its subpœna both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation. Nothing in this section shall be construed to require such charges or investigation in cases of laborers or persons having the custody of public money, for the safe keeping of which another person has given bonds.

SEC. 13. **Reports to Commission.** Immediate notice in writing shall be given by the appointing power, to said Commission, and all appointments, permanent or temporary, made in such classified civil service, and all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept

by said Commission. When any officer or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said Commission.

SEC. 14. **Investigations.** The Commission shall investigate the enforcement of this act and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in its city, and may enquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigations each commissioner shall have power to administer oaths, and said Commission shall have power to secure by its subpœna both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

SEC. 15. **Report by Commission.** Said Commission shall, on or before the fifteenth day of January of each year, make to the mayor for transmission to the city council a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. The mayor may require a report from said Commission at any other time.

SEC. 16. **Chief Examiner.** Said Commission shall employ a chief examiner, whose duty it shall be, under the direction of the Commission, to superintend any examination held in such city under this act, and who shall perform such other duties as the Commission shall prescribe. The chief examiner shall be *ex officio* secretary of said Commission, under the direction of such Commission; he, as such secretary, shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe.

SEC. 17. **Officers to Aid—Rooms.** All officers of any city which shall have adopted this act shall aid said Commission in all proper ways in carrying out the provisions of this act, and at any place where examinations are to be held shall allow reasonable use of public buildings for holding such

examinations. The mayor of such city shall cause suitable rooms to be provided for said Commission at the expense of such city.

SEC. 18. **Salaries and Expenses.** In cities having a population of one hundred thousand inhabitants, or more, each of said commissioners shall receive a salary of three thousand dollars a year; the chief examiner shall receive a salary of three thousand dollars a year. Any person not at the time in the official service of the city, serving as a member of the Board of Examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board, at the rate of five dollars per day, and said Commission may, in such city, also incur expenses not exceeding five thousand dollars per year, for clerk hire, printing, stationery and other incidental matters.

In cities having a population of fifty thousand inhabitants and less than one hundred thousand, such commissioners shall receive an annual salary of one thousand five hundred dollars each; the chief examiner shall receive an annual salary of one thousand five hundred dollars. Any person not at the time in the official service of the city, serving as a member of the board of examiners, or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board, at the rate of three dollars per day, and said Commission may, in such city, also incur expenses not exceeding three thousand dollars a year, for clerk hire, printing, stationery, and other incidental matters.

In cities having a population of twenty-five thousand and less than fifty thousand inhabitants, such commissioners shall receive an annual salary of one thousand dollars each, and the chief examiner shall receive an annual salary of one thousand dollars.

In cities having a population of less than twenty-five thousand inhabitants, such commissioners shall receive an annual salary to be fixed by the city council of such cities not to exceed five hundred dollars each; the chief examiner shall receive an annual salary to be fixed by the city council of such cities not to exceed five hundred dollars. In cities having a population of less than fifty thousand inhabitants

any person, not at the time in the official service of the city, serving as a member of the board of examiners, or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board, at the rate of two dollars per day, and said Commission may, in such city, also incur expenses not exceeding two thousand dollars per year, for clerk hire, printing, stationery and other incidental matters.

SEC. 19. **Appropriations.** A sufficient sum of money shall be appropriated each year by each city which shall adopt this act, to carry out the provisions of this act in such city. In such cities as shall have already made the annual appropriation for municipal purposes for the current fiscal year, the mayor is authorized and required to pay the salaries and expenses as herein provided for such fiscal year out of the moneys appropriated for contingent purposes by such municipality, or out of any moneys not otherwise appropriated.

SEC. 20. **Frauds Prohibited.** No person or officer shall willfully or corruptly by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing, or willfully or corruptly make any false representation concerning the same, or concerning the person examined, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, being appointed, employed or promoted.

SEC. 21. **No Officer to Solicit or Receive Political Contributions.** No officer or employe of such city shall solicit, orally or by letter, or receive or pay, or be in any manner concerned in soliciting, receiving or paying, any assessment, subscription or contribution for any party or political purpose whatever.

SEC. 22. **No Person to Solicit Political Contributions from Officers or Employes.** No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment, for any party or any political

purpose whatever, from any officer or employe in any department of the city government of any city which shall adopt this act.

SEC. 23. **Assessments and Contributions in Public Offices Forbidden.** No person shall in any room or building occupied for the discharge of official duties by any officer or employe in any city, which shall adopt this act, solicit, orally or by written communication, delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employe under the government of such city, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for receiving or giving notice of any political assessments.

SEC. 24. **Payments of Political Assessments to Public Officers Prohibited.** No officer or employe in the service of such city shall, directly or indirectly, give or hand over to any officer or employe in said service, or to any senator or representative or alderman, councilman or commissioner, any money or other valuable thing, on account of or to be applied to the promotion of any party or political object whatever.

SEC. 25. **Abuse of Official Influence Prohibited.** No officer or employe of such city shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

SEC. 26. **Payment for Places Prohibited.** No applicant for appointment in said classified civil service, either directly or indirectly, shall pay, or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no officer or employe shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

SEC. 27. **Recommendations in Consideration of Political Service Prohibited.** No applicant for appointment or promotion in said classified civil service shall ask for or receive a recommendation or assistance from any officer or employe in said service, or of any person upon the consideration of any political service to be rendered to or for such person or for the promotion of such person to any office of appointment.

SEC. 28. **Abuse of Political Influence Prohibited.** No person while holding any office in the government of such city, or in nomination for, or while seeking a nomination for, or appointment to any such office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary upon the consideration or condition that the vote or political influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

SEC. 29. **Auditing Officer.** No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this act.

SEC. 30. **Appointments and Removals to be Certified to the Comptroller.** The Commission shall certify to the comptroller or other auditing officers, all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal or resignation or death, and all findings made or approved by the Commission under the provision of section twelve of this act, that a person shall be discharged from the classified civil service.

SEC. 31. **Comptroller to Pay Salaries only after Certification.** No comptroller or other auditing officer of a city which has adopted this act shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer or employe of such city,

unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

SEC. 32. **Paymasters, etc., to Pay Salaries only after Certification.** No paymaster, treasurer, or other officer or agent of a city which has adopted this act shall willfully pay, or be in any manner concerned in paying any person any salary or wages for services as an officer or employe of such city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

SEC. 33. **Compelling Testimony of Witnesses. Production of Books and Papers.** Any person who shall be served with a subpœna to appear and testify or to produce books and papers, issued by the Commission or by any commissioner or by any board or person acting under the orders of the Commission in the course of an investigation conducted either under the provisions of section twelve or section fourteen of this act, and who shall refuse or neglect to appear or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpœna, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in section thirty-four of this act. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this state, and shall be paid from the appropriation for the expenses of the Commission. Any circuit court of this state, or any judge thereof, either in term time or vacation, upon application of any such commissioner, or officer or board, may in his discretion compel the attendance of witnesses, the production of books and papers, and giving of testimony before the Commission, or before any such commissioner, investigating board or officer, by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the Commission, authorized to administer oaths, shall swear or affirm willfully, corruptly and falsely shall be guilty of perjury, and upon conviction shall be punished accordingly.

SEC. 34. **Penalties.** Any person who shall willfully, or through culpable negligence violate any of the provisions of this act, or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment in the discretion of the court.

SEC. 35. **Penalties—Disqualification to Hold Office.** If any person shall be convicted under the next preceding section, any public office or place of public employment, which such person may hold shall, by force of such conviction, be rendered vacant, and such person shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction.

SEC. 36. **What Officers to Prosecute.** Prosecutions for violations of this act may be instituted either by the attorney general, state's attorney for the county in which the offense is alleged to have been committed, or by the Commission, acting through special council. Such suits shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers.

SEC. 37. **Repeal.** All laws or parts of laws which are inconsistent with this act, or any of the provisions thereof, are hereby repealed.

SEC. 38. **Adoption.** The electors of any city now existing or hereafter existing in this state, may adopt and become entitled to the benefit of this act in the following manner: Whenever one thousand of the legal voters of such city, voting at the last preceding election shall petition the judge of the county court of the county, in which such city is located, to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall adopt and become entitled to the benefits of this act, it shall be the duty of such county court to submit such proposition accordingly at the next succeeding general state, county or city election, and if such proposition is not adopted at such election the same shall in a like manner be submitted to a vote of the electors of such city by such county court upon like application at any

general state, county or city election, thereafter, and an order shall be entered of record in such county court submitting such proposition as aforesaid.

If one thousand shall exceed one-eighth of the legal voters of any such city voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such city voting at the last preceding election.

SEC. 39. **Notice of Election.** The judge of such county court shall give at least ten days notice of the election at which such proposition is to be submitted by publishing such notice in one or more newspapers published within such city for at least five times, the first publication to be at least ten days before the day of the election; and if no newspaper is published in such city, then by posting at least five copies of such notice in each ward at least ten days before such election. Such election shall be held under the election law in force in such city, except as herein otherwise provided. The proposition so to be voted for shall appear in plain, prominent type at head of every ticket and preceding the names of persons to be voted upon for any office at such election. If a majority of the votes cast upon such proposition shall be for such proposition, this act shall thereby be adopted by such city, and the mayor shall thereupon issue a proclamation declaring this act in force in such city.

SEC. 40. **Emergency.** Whereas, an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

AMENDMENT

TO

CIVIL SERVICE ACT.

AN ACT to amend an Act entitled "An Act to regulate the Civil Service in Cities," approved March 20, 1895. Approved May 6, 1897. In force July 1, 1897.

SECTION 1. BE IT ENACTED BY THE PEOPLE OF THE STATE OF ILLINOIS, REPRESENTED IN THE GENERAL ASSEMBLY, That an act entitled, "An Act to regulate the Civil Service in Cities," be amended by the addition of a section to be known as Section 10½, which section shall read as follows:

SECTION 10½. SOLDIERS WHO ARE ELIGIBLE TO HAVE THEIR NAMES PLACED AT THE HEAD OF THE LIST. Persons who were engaged in the military or naval service of the United States during the years 1861, 1862, 1863, 1864 or 1865, and who were honorably discharged therefrom, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, and it shall be the duty of the examiner or commissioner certifying the list of eligibles who have taken the examinations provided for in this act, to place the name or names of such persons at the head of the list of eligibles certified for appointment.

CIVIL SERVICE RULES.

APPENDIX F.

CIVIL SERVICE RULES.

In accordance with the provisions of an act entitled "An Act to Regulate the Civil Service of Cities," approved March 20, 1895, the Civil Service Commission of the City of Chicago, created under said act, hereby adopts and publishes the following rules for the purpose of carrying out the provisions of said act, for the classification of the public service and for the government of examinations, appointments, promotions and removals of all persons in the service of the City of Chicago, coming under the provisions of said act.

RULE 1.

CLASSIFICATION.

1. **Unclassified Service.** Section eleven of said act provides that the following offices and places of employment shall not be included in the classified service:

"Officers who are elected by the people or who are elected by the City Council pursuant to the City Charter, or whose appointment is subject to confirmation by the City Council, judges and clerks of election, members of any Board of Education, the Superintendent and Teachers of Schools, heads of any principal department of the City, members of the law department, and one private secretary of the Mayor."

The offices and places above named shall constitute the unclassified service.

2. **Classified Service.** All other offices and places of employment in said city, under the provisions of said act, whether permanent, temporary or substitute, shall constitute the classified service. With reference to the examinations hereinafter provided for, they are hereby classified under two general classes, to be known as class A and class B respectively. This classification is based mainly upon nature of employment. The positions embraced in class A will be chiefly those of a permanent character, while those in class

B will be more in the nature of temporary employments. The Commission will decide as occasion may require in which class and division any particular office or place of employment shall belong.

3. **Official and Labor Service.** Class A shall be known as the Official Service, and Class B as the Labor Service.

4. **Divisions and Grades.** For convenience in designation, in carrying on examinations, certifying for appointments and promotions, and in making removals, the Official Service shall be divided into divisions, based upon the character of the service to be performed, and each division shall be divided into grades, based upon amount of compensation.

The several divisions of the Official Service shall be as follows:—

Division A: MEDICAL SERVICE.—All positions, the duties of which require knowledge of the profession of medicine, or of some branch thereof.

Division B: CIVIL ENGINEERING.—All positions, the duties of which require knowledge of the profession of civil engineering, or of some branch thereof.

Division C: CLERICAL SERVICE.—All positions of clerks and other persons of whatever designation, rendering service as copyists, recorders, book-keepers, stenographers, pages, messengers, or any clerical, recording or similar service, whether paid by time for work done, or by the piece, or in any other way.

Division D: POLICE SERVICE.—All positions in the uniformed force of the Police Department.

Division E: ELECTRICAL SERVICE.—All positions, the duties of which require special knowledge of electricity, in some form of its application.

Division F: FIRE SERVICE.—All positions in the uniformed force of the Fire Department.

Division G: MECHANICAL ENGINEERS.—All positions requiring, on the part of those filling them, a knowledge of steam engines, boilers, and other machinery, their care and operation.

Division H: BRIDGE SERVICE.—All positions (of a permanent character) connected with the care and operation of bridges.

Division I: INSPECTION SERVICE.—All positions under control of the Department of Public Works, the duties of which relate to inspection, whether of work done, material furnished, or other matters.

Division J: JANITOR AND ELEVATOR SERVICE.—All positions (of a permanent character) connected with the care and operation of buildings.

Division K: LIBRARY SERVICE.—All positions (of a permanent character) connected with the administration of public libraries.

Division L: MISCELLANEOUS SERVICE.—All the offices and places of employment, coming under the provisions of said act, whatever the character and designation of the same may be, which are not included in any of the foregoing divisions of the Official Service, nor in the Labor Service, nor in the unclassified service.

The grades shall be uniform in all the divisions and based upon compensation as follows:—

All positions, the compensation of which is at the rate of less than $800 per annum, shall be in the first grade.

All positions, the compensation of which is at the rate of $800 per annum, or more, and less than $1,000, shall be in the second grade.

All positions, the compensation of which is at the rate of $1,000 per annum, or more, and less than $1,200, shall be in the third grade.

All positions, the compensation of which is at the rate of $1,200 per annum, or more, and less than $1,400, shall be in the fourth grade.

All positions, the compensation of which is at the rate of $1,400 per annum, or more, and less than $1,600, shall be in the fifth grade.

All positions, the compensation of which is at the rate of $1,600 per annum, or more, and less than $1,800, shall be in the sixth grade.

All positions, the compensation of which is at the rate of $1,800 per annum, or more, and less than $2,100, shall be in the seventh grade.

All positions, the compensation of which is at the rate of $2,100 per annum, or more, and less than $2,500, shall be in the eighth grade.

All positions, the compensation of which is at the rate of $2,500 per annum, or more, and less than $3,000, shall be in the ninth grade.

All positions, the compensation of which is at the rate of $3,000 per annum, or over that amount, shall be in the tenth grade.

5. **Grouping of Grades.** Any two or more of the grades herein established in any division may be grouped together and treated as one grade for the purpose of facilitating examinations for original entrance to the service or for promotion therein. Such action shall be taken only by a vote in the affirmative of all three commissioners, and a record thereof shall be made in the minutes of the proceedings of the Commission. Action so taken shall remain in force until rescinded or amended at some subsequent meeting of the Commission by vote of all three commissioners, and record of the same shall be made in the proceedings of the Commission.

6. **System of Rank.** In Divisions "D" and "F" (Police and Fire Departments), the rank and official designation, as established by ordinance or usage, may be recognized, and when promotions from rank to rank are not in conformity with the grading as herein established, the Commission may base examinations for promotion upon the system of rank as existing, or as may be established by law in those two divisions.

CLASS A. OFFICIAL SERVICE.

RULE II.

CITIZENSHIP, RESIDENCE AND AGE OF APPLICANTS.

1. **Citizenship and Residence.** No person shall be admitted to examination for any position in the Official Service who is not a citizen of the United States, and who has not been an actual resident of the City of Chicago for at least one year next preceding the date of examination.

2. **Age.** Unless otherwise provided in these Rules, no person will be admitted to examination for a position in the Official Service who is less than twenty years of age at the date of the examination, except that applicants for positions of pages and messengers must not be less than seventeen years of age at the date of examination.

3. **Waiver of Local Residence in Special Examinations.** In special examinations for any place requiring technical, professional, or scientific knowledge, or manual skill of a high order, the Commission may waive the requirement of residence in the City of Chicago, fixed in section one of this rule.

RULE III.

APPLICATION.

1. **Application, How Made.** Application for admission to examination shall be made on blanks in such form and manner and supported by such certificates of persons acquainted with the applicant, as the Commission may prescribe. These blanks will be furnished directly to applicants for examination.

2. **Character and Fitness of Applicants.** Every applicant must be of good moral character, of temperate habits, of sound health, and must be physically able to perform the duties of the position applied for.

3. **Moral Character.** A good moral character is an essential qualification, and is of paramount importance in determining an applicant's right to examination.

4. **Burden of Proof.** The burden of proof of good character shall in all cases be upon the applicant, who may be required to furnish evidence thereof, additional to the certificates required in the application.

5. **Failure to Prove Good Character.** Failure by the applicant to prove good character to the satisfaction of the Commission shall exclude said applicant from examination. Proof at any time produced to the Commission of the bad character or dissolute habits of an applicant or eligible, of any criminal or disgraceful act committed by him, or of dismissal for good cause from the public service, shall be deemed sufficient cause to exclude said applicant from examination, or for removal from a register of eligibles after examination.

6. **Effect of False Statements.** A false statement knowingly made by any person in an application for examination, connivance at any false statement made in any certificate which may accompany such application, or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the register of eligibles, or for removal or discharge during probation, or thereafter; but no person shall be removed from a register of eligibles, or from the service, under this section, until an opportunity has been given him to be heard by the Commission. A record shall be kept of the finding of the Commission, showing the vote thereon, and the reason therefor.

7. **Defective Applications Returned.** A defective application will be returned to the applicant with a notice to amend the same; but no more than two opportunities for amendment need be given. Whenever the application shows that the applicant is not qualified for examination under these rules, the applicant will be notified of the same, and of the reason therefor.

8. **Applications Not to be Returned.** Applications and accompanying certificates not returned for correction will remain on file in the office of the Commission, and under no circumstances be returned to applicants.

9. **Limited Numbers to be Examined.** The Commission may limit the number of applications to be received for any examination or restrict the number to be examined, according to the needs of the service; but in all such cases applicants shall be admitted to examination in the order in which their applications have been filed in due form.

RULE IV.

EXAMINATION.

1. **Character of Examinations.** All examinations shall be absolutely impartial, practical in their character, and shall have paramount regard to matters which will fairly test the relative capacity and fitness of the persons examined for the service which they seek to enter.

2. **Political or Religious Opinions Not to Influence Appointments.** No question in any examination shall relate to political or religious opinions or affiliations, and no appointment or selection to an office, or for employment within the scope of these rules, shall be in any manner affected or influenced by such opinions or affiliations.

3. **Place, Time and Notice of Examinations.** Examinations shall be held at such times and places as the Commission may designate, and two weeks' notice thereof shall be given, as provided by law.

4. **Subjects of Examination.** The subjects of examination shall be designated from time to time by the Commission, and shall be such as the needs of the service require and such as tend to prove the qualifications of the applicant for the office sought, and may include special tests of fitness for any particular place requiring technical, professional or scientific knowledge, or manual skill.

5. **How Graded.** Proficiency in any subject shall be credited in grading the standing of the person examined, in proportion to a value of a knowledge of such a subject in the branch or part of the service which the applicant seeks to enter, and of physical qualifications and health. The relative weight of each subject shall be fixed by the Commission for every examination.

6. **Must Obtain Seventy Per Cent.** The name of no person shall be entered on a register of eligibles whose standing, upon a just grading in the examination, shall average less than seventy per centum of complete proficiency in the subjects of the examination, taken as a whole, and of such minimum mark as may be fixed by the Commission for any part thereof,

7. **Physical Examinations.** The Commission will provide for examinations to determine the physical qualifications and health of all applicants. Such examinations shall be made by physicians in the service of the city, unless the Commission shall appoint other physicians or competent experts for the purpose. The result of such examinations shall be certified on blanks furnished by the Commission.

8. **Method of Examination, and Marking.** All questions used in any examination shall be first approved by the Commission. All examinations shall be conducted under the supervision of, and examination papers shall be marked under the regulation of the Commission. The same series of examination papers shall not be used a second time. No examination papers and no examinations shall be subject to review by the Civil Service Commission, or any of its members after posting of the eligible lists.

9. **Boards of Examiners.** For the purpose of preparing and marking examination papers for original entrance to the Official Service, there shall be a general Board of Examiners, to consist of not less than three persons. Such board shall be composed of persons in the public service, who shall be detailed for duty at the office of the Commission, or of such other persons not in the public service as the Commission may from time to time designate. Under supervision of the Commission, the general board shall prepare and mark the papers of such examinations as the Commission shall direct. There may also be such special Boards of Examiners, and such auxiliary members of the general board, for the preparation of questions and marking of candidates in technical subjects as the Commission may from time to time designate. The members of each of such boards shall not all be of the same political party. The Commission will designate the chairman and secretary of each of such boards, and make such change in the membership from time to time as it may deem proper. Each board shall keep such records and make such reports as the Commission may require. Such records shall be open to the inspection of any member of the Commission and of the Chief Examiner.

10. **Notice of Standing.** Each applicant will be notified of the general average he has obtained on examination.

11. **Re-examination.** Any applicant who has passed an examination and been enrolled upon a register of eligibles, shall not be again examined for the same branch of the service until one year from the date of such enrollment and then only upon withdrawing his name from the register of eligibles and filing a new application.

RULE V.

REGISTERS OF ELIGIBLES.

1. **Method of Enrollment.** All competitors who attain a general average of seventy per centum or over (and of such minimum mark as may be fixed by the Commission for any part thereof), shall be eligible for appointment to the place for which they were examined, and their names shall be enrolled in the order of general average upon the proper registers, which shall be in such form as the Commission shall prescribe, and shall be called "Registers of Eligibles."

2. **Order of Standing.** Priority of date of examination will give no advantage in position on the registers of eligibles.

3. **Time of Remaining on Registers of Eligibles.** Names shall remain upon the registers of eligibles for two years from the date of their enrollment, unless sooner removed under authority contained in these rules or by appointment. At the expiration of one year the eligible shall, upon a form prescribed by the Commission, furnish new certificates of character.

4. **Temporary Appointment in Labor Service.** Any person whose name is on a register of eligibles for the Official Service may accept a temporary appointment in the Labor Service without losing his position upon such register of eligibles.

RULE VI.

REQUISITION AND CERTIFICATION.

1. **Requisition.** Whenever a vacancy is to be filled in the Official Service, unless it is to be filled by promotion, the appointing officer shall make requisition upon a form prescribed by the Commission for the certification to him of the

name of an eligible. The Commission shall certify to him the name of the person who stands highest on the appropriate register of eligibles and such person shall be appointed.

2. **Sex.** In case the requisition or any statute or ordinance shall specify sex, those of the sex specified shall be certified; otherwise, sex shall be disregarded in certification.

3. **Waiver of Certification.** An eligible may, when his name is reached for appointment, waive certification or decline an appointment tendered, upon giving reasons satisfactory to the Commission, without losing his position upon the register. In the absence of such permission, the effect of an appointment or of a refusal to accept an appointment tendered, shall be to drop the name of the eligible from the register.

4. **Report from Department.** Whenever the name of an eligible has been certified by the Commission, the head of the department to which the name of the eligible has been sent must report to said Commission within five days from the time of certification whether such person has been put to work, and if not, to give reasons therefor in writing. In case such report is not made within the specified time, the person holding the position for which the eligible has been certified, shall be marked on the books of the Commission as not entitled to pay from the city after the date of such certification.

Rule VII.

APPOINTMENT.

1. **Appointment.** The law provides that no person shall be appointed to any office or place of employment in the Official Service except under the provisions of these rules.

2. **Temporary Appointment.** In case there is no eligible on the appropriate register and the Commission is unable to comply with a requisition, it may, in its discretion, as provided in said act, to prevent the stoppage of public business or to meet extraordinary exigencies, allow a temporary appointment for a period not exceeding sixty days, and only until a regular appointment can be made through examination.

3. **Vacancies, How Filled.** Vacancies in the classified service, if not filled by promotion, shall be filled by requisition and certification, as provided in Rule VI. The appointing

officer shall notify the person certified, and fill the place by the appointment of that person. Such appointment shall be on probation for a period of six months. At the end of this period, if the conduct and capacity of the person appointed have been satisfactory, the appointment shall be deemed complete.

4. **Incompetent Probationers.** If any probationer shall, upon fair trial, be found incompetent or disqualified for the performance of the duties of the position he is filling, the appointing officer shall certify the same in writing to the Commission. Upon the approval of the Commission such probationer shall be dropped from the service.

5. **Restoration to Register of Eligibles.** Should the work for which a probationer has been certified prove temporary, and he be laid off without fault or delinquency on his part before his time of probation is completed, his name shall be restored to its proper position upon the register of eligibles and the term he has served shall be credited to him on his probationary period.

6. **Assignment to Duty.** All persons appointed to, or promoted in the Official Service, shall be assigned to and perform the duties of the position to which appointed or promoted. In case of exigency an employe may be temporarily assigned without extra pay to other than his regular duties. But no such assignment shall be for a period of more than ten days without the consent in writing of the Commission thereto.

Rule VIII.

PROMOTION.

1. **Method of Promotion.** All promotion in the classified service, unless herein otherwise provided, shall be from grade to grade and shall be made upon voluntary, open, competitive examination. Competition in such examinations shall be limited to the employes in the next lower grade of the same division serving in the department in which the position exists, unless the Commission shall deem it for the interest of the service to admit to competition employes in other grades or other divisions serving in that or other departments.

For a position in any grade above the lowest in any division of the service, the Commission will decide as to the practicability of filling the same through an examination for promotion; or whether the same shall be filled by an examination for original entrance to the service.

2. **How Made.** In each principal department a board of promotion will be appointed by the Commission, upon consultation with the head of the department. Each board shall consist of not less than three members, not all of whom shall be of the same political party, and the Commission will designate one of the members to act as chairman and another to act as secretary. The Commission may, from time to time, change the membership of such board.

3. **Duties of Boards of Promotion.** It shall be the duty of such boards, under the supervision of the chief examiner, and by direction of the Commission, to assist in preparing and marking the papers for the promotion examinations in the departments to which they belong, and to perform such other appropriate duties in connection therewith as may be assigned to them by the Commission.

4. **Examinations for Promotion.** Examinations for promotion will be held in any division, or of the employes in any division serving in any department, when in the opinion of the Commission the interests of the service shall require.

Applications must be recorded by the applicant in person in a book provided for that purpose in the office of the Commission at least three (3) whole days before the date fixed for the examination.

Notice of examinations for promotion will be published as the law directs, and notice will also be posted in the office of the Commission and in the office of the department in which the promotions are to be made, giving date and character of the examinations and defining who are eligible to take the same.

5. **Time of Service.** No person shall be examined for promotion from any grade in the Official Service until he has served at least one year in such grade; and no person shall be examined for promotion to the rank of lieutenant in Division F (Fire Department) until he shall have served at least four

years as a member of the department, and the year of such service immediately preceding the examination shall have been as a pipeman or truckman.

6. **Character of Examinations.** The examinations for promotion shall be practical in character, and shall embrace such subjects as will test the general intelligence of the applicants, and their accuracy and knowledge of the business of the department, and of the branch of service in which they are to be employed, and shall include tests of physical qualifications and health, and, when appropriate, of manual skill. Special examinations for positions requiring technical, professional, or scientific knowledge, or special skill, will be provided by the Commission from time to time, as the needs of the service may demand; and auxiliary members of the boards of promotion may be appointed to serve for such special examinations.

7. **Credit, How Given.** In all examinations for promotion the physical qualifications and health, the length of previous service, and the efficiency of the applicant shall be given due weight. The credit to be given for efficiency will depend upon the manner in which the records, showing the same, have been kept in the office in which the applicant has served. If so kept as to faithfully show a daily record of his punctuality, industry, ability, habits, and aptitude for the service, maximum credit will be given such record. The mark for efficiency to be used in determining the general average of competitors in promotion examinations will, when based upon a proper record, be the general average of the marks shown by the record during the three months next preceding the examination. A credit of 5 in the subject of seniority will be given for each year of continuous service.

8. **Grading of Competitors.** Each competitor shall be graded on a scale of 100, according to the general average determined by the markings, and no competitor who fails to attain a general average of 70 per centum of complete proficiency in the subjects of the examinations taken as a whole, and of such mininum mark as may be fixed by the Commission for any part thereof, shall be deemed eligible for promotion.

9. **Registers of Eligibles.** Registers of persons eligible for promotion in each department and bureau for which promotion examinations are held shall be kept by the Commission.

10. **Making of Certification.** Certification of eligibles for promotion shall be made by the Commission upon requisition of an appointing officer, in groups of three, in the order of standing. Each eligible shall be entitled to three certifications and the appointing officer must choose one name from each certification, and the one so chosen shall receive the promotion. A name that has been certified three separate times and not selected by the appointing officer shall be removed from the list of eligibles.

11. **Priority of Certification.** In certifying from the registers for promotion, when two or more eligibles have the same general average, preference in certification shall be given in the order of seniority of service.

12. **Change of Compensation.** Increasing or diminishing the compensation of any position in the official service, whereby the grade of such position as established by the classification is changed, whether done by ordinance or otherwise, shall not effect the tenure of the incumbent of such office or place of employment, unless in the opinion of the Commission such change shall involve a change in duties requiring a different examination.

RULE IX.

REMOVAL.

1. **How Made.** The removal of an officer or an employe, who has been appointed to the Official Service in accordance with these rules, can only be made as provided in Section 12 of said act.

2. **Cause for Removal. Charges, How Made.** Section 12 of said act provides that no officer or employe in the classified service who shall have been appointed under these rules and after examination shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. When a removal is deemed necessary, the appointing officer shall immediately notify the Commission, in writing, of the grounds therefor. Such grounds shall be investigated by the Commission, and the accused person shall be given an opportunity to be heard in his own defense, provided, however, that such officer or employe file a written statement requesting an investigation

within three (3) days after the date of his separation. The finding and decision of the Commission shall be certified to the appointing officer, and shall be forthwith enforced by said officer. Pending such investigation, the appointing officer may suspend the accused for a reasonable period, not exceeding thirty days. Nothing in this section shall be construed to require such charges or investigtion in cases of laborers or persons have the custody of public money, for the safe-keeping of which another person has given bonds.

RULE X.

REPORTS TO BE MADE.

1. **Appointing Officers to Report.** For the purpose of certification to the Comptroller for the payment of salaries, as required by Section 30 of said act, and in order that the Commission may keep proper record of changes in the service, each appointing officer shall immediately report to the Commission, as required by Section 13 of said act:

a. Every probational or temporary appointment made by him.

b. Every refusal or neglect to accept an appointment under him by a person who has been duly certified.

c. Every change in the compensation of any officer or employe serving under him.

d. Every suspension made by him of any officer or employe.

e. Every separation from the service under him, and whether the separation was caused by dismissal, resignation, or death.

2. **Change or Abolition of Office or Compensation.** When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it, in writing, to the Commission.

3. **Civil List.** A list to be known as the Civil List of the City of Chicago shall be kept in the office of the Comission, to contain the name of every person employed in, or receiving compensation in, the classified service. The list shall show respecting every officer and employe: The title of his office, the salary or compensation thereto attached, the

time he has held such office, the time he has been in the service of the City of Chicago, and the places in that service he has filled, a brief specification of the duties of the office, by whom the appointment thereto is made, and the term, if any, of the office.

4. **Payment of Salaries.** As provided in Section 31 of said act, no payment in compensation for services rendered, after the taking effect of these rules, can be made by the city, or any of its officers, to a person holding a position in the classified service until it appears either that he was employed in such position before these rules took effect, or that he has been employed under the provisions of the same, and is holding his position in accordance therewith.

RULE XI.

POLICE DEPARTMENT.

1. **Original Appointment.** All original appointments on the police force shall be as second-class patrolmen. Every applicant for the uniformed police force, in addition to the requirements specified in Section 1, of Rule II, must, at the time of such application, be between twenty-one and thirty-five years of age, not less than five feet eight inches in height (in his bare feet), and of a weight which shall fall within the limits below prescribed, and have a quiescent chest measurement of not less than the figures given below:

POLICE SCHEDULE.

Height.	Minimum Weight.	Maximum Weight.	*Minimum Circumference of Chest, Quiescent.
5 feet 8 inches.	145 pounds.	185 pounds.	35 inches.
5 " 9 "	150 "	190 "	35½ "
5 " 10 "	155 "	195 "	36 "
5 " 11 "	160 "	205 "	37 "
6 "	165 "	210 "	37½ "
6 " 1 "	170 "	215 "	38 "
6 " 2 "	175 "	225 "	39 "
6 " 3 "	180 "	230 "	40 "
6 " 4 "	185 "	235 "	41 "

*NOTE.—A modification of the chest measurement required in this schedule may be allowed as follows:

To an applicant whose height is between 5 feet 9 inches and 6 feet, a reduction of 1 inch or any fraction thereof.

To an applicant whose height is 6 feet or over, a reduction of 1½ inches or any fraction thereof.

Provided, that in each case the applicant shall have a chest expansion of 3 inches or more.

The applicant must successfully pass such physical examination as shall be prescribed by the Commission.

2. **Examination of Ex-Members.** Any police officer whose record as such officer is good and who was discharged without cause and without a trial may re-enter the police service of the city if he succeeds in passing the prescribed examination, and as to such applicants the following rules are adopted:

a. The age limit for such officers shall be forty-five years except for such as have been in the police service of the city for ten years or more, and for such the age limit shall be fifty years.

b. *Each applicant must be at least 5 feet 8 inches in height. The chest measurements prescribed by the rules for new applicants may be disregarded, provided at least two of the medical examiners will certify that the applicant is physically competent to perform the duties of a patrolman.

c. Any such applicants suffering with any disability produced or suffered while on duty as a police officer of the city, shall not on that account be excluded from passing the physical examination, provided such disability is not of such nature as to entirely disable him from duty; and for such applicants there shall be kept, after they pass an examination, a special eligible list, and they shall have the preference over all others for such positions on the force as their physical condition will permit them to properly fill.

d. Police officers so restored on the eligible list shall be credited with whatever time they may have theretofore served the city, the same as if they had not been severed from the service; they shall, however, all re-enter the service as patrolmen.

RULE XII.

FIRE DEPARTMENT—ORIGINAL APPOINTMENT.

All original appointments to the uniformed force of the Fire Department, shall be made to the lowest grade in the several branches of said service, and advancement to the higher grades shall be by promotion, in accordance with the provisions of Rule VIII. Every applicant, in addition to the requirements specified in Section 1, of Rule II, must, at the time of the examination, be between the ages of twenty-one and thirty-three years, not less than five feet seven inches

*Changed to 5 feet 7 inches.

in height (in bare feet), and his weight and circumference of chest must be in accordance with the following table; provided, however, that applicants who have had previous experience in said department, and who were separated therefrom without fault or delinquency on their part, may deduct from their actual age any time, not exceeding five years, during which they have continuously served in said department:

FIRE SCHEDULE.

Height.	Minimum Weight.	Maximum Weight.	*Minimum Circumference of Chest, Quiescent.
5 feet 7 inches.	140 pounds.	180 pounds.	34 inches.
5 " 8 "	145 "	185 "	35 "
5 " 9 "	150 "	190 "	35½ "
5 " 10 "	155 "	195 "	36 "
5 " 11 "	160 "	200 "	37 "
6 "	165 "	210 "	37½ "
6 " 1 "	170 "	215 "	38 "
6 " 2 "	175 "	225 "	39 "
6 " 3 "	180 "	230 "	40 "
6 " 4 "	185 "	235 "	41 "

*NOTE.—A modification of the chest measurement required in this schedule may be allowed as follows:

To an applicant whose height is between 5 feet 9 inches and 6 feet, a reduction of 1 inch or any fraction thereof.

To an applicant whose height is 6 feet or over, a reduction of 1½ inches or any fraction thereof.

Provided, that in each case the applicant shall have a chest expansion of 3 inches or more.

There shall be a difference of at least 2 inches between forced and full inspiration.

The applicant must successfully pass such physical examination as shall be prescribed by the Commission.

RULE XIII.

TRANSFERS.

Transfers within the classified service may be made as follows:

1. **Within the Same Department, in the Same Division and Grade.** Temporary transfers, for a period not exceeding thirty days, of persons from one position to another position in the same grade and same division of the service, and within the same department, may be made by the head of the department without notice to the Commission. Where such

transfer is intended to be permanent, and the name thereafter to appear on a different pay roll, then notice must be sent to the Commission, that entry of the same may be made upon its records, and its consent in writing obtained therefor.

2. **To Another Division in Same Department.** Transfers, without examination, of persons from one division of the service to another division, but in the same grade and within the same department, may be made by the head of the department, upon giving due notice of the same to the Commission, and obtaining its consent in writing thereto.

3. **To a Similar Position in Another Department.** Transfers, without examination, from a position in one department to a similar position in another department, may be made on obtaining the consent in writing of the head of the department from which the transfer is desired, the request in writing of the head of the department to which such transfer is to be made, and the approval of the Commission in writing; provided, however, that such transfer must be within the same grade and division of the service.

RULE XIV.

REINSTATEMENT.

Method of. Upon requisition of the head of a department the Commission may, in its discretion, certify for reinstatement in said department, in the same division and in the same grade in which he was formerly employed, any person who shall have been appointed under its rules and after examination, and who within one year next preceding the date of the requisition, has, through no delinquency or misconduct, been separated from the classified service of that department.

CLASS B—LABOR SERVICE.

RULE XV.

Extent of Labor Sericve. All places of employment requiring skilled or unskilled labor, which are not included in either the unclassified or the official service, and coming under the provisions of said act, shall constitute the Labor Service.

RULE XVI.

CITIZENSHIP, RESIDENCE, QUALIFICATIONS, AND AGE OF APPLICANTS.

1. **Citizenship, Residence and Qualifications.** No person shall be admitted to examination for a position in the Labor Service who is not a citizen of the United States and who has not been an actual resident of the City of Chicago for at least one year next preceding the date of examination. Mechanics must have served not less than four years as journeymen at their respective trades.

2. **Age.** No person will be admitted to examination who is less than twenty years of age at the date of examination; except that for minor places, such as errand boys, water carriers, etc., applications may be received from persons between fifteen and twenty years of age.

RULE XVII.

APPLICATION, HOW MADE.

Form of Application. Application for admission to the Labor Service must be made in form and manner and under the same restrictions as prescribed in Rule III for admission to the Official Service.

RULE XVIII.

EXAMINATION OF LABORERS.

1. **Examination.** Upon the return of the application blank duly filled out and signed by the applicant with his name or mark, together with the required certificates of his habits as to industry and sobriety duly filled out and executed, the Commission will number the application in the order of its receipt and notify the applicant of the time and place of his examination for registry as hereinafter provided. At the

time and place so specified such examiner or examiners as may be selected by the Commission shall, in such manner as it shall prescribe, make enquiry regarding the age, residence, citizenship, character, physical condition, family, previous occupation and experience of the applicant, and ascertain and determine whether he is qualified for the employment sought, and shall endorse a statement of the determination in that regard and the reasons for it upon his application, with a brief personal description of the applicant. Note will be made of superior physical qualifications. The applicants shall be graded: First, upon their physical qualifications; second, upon their own account of themselves, their occupation and experience; third, upon their knowledge of the requirements of their work, the necessary tools, the manner of doing the work they seek and like matters. No educational test of qualifications shall be required for common laborers. Any willfully false statement or fraudulent conduct on the part of the applicant shall disqualify him for registration.

2. **Certificates.** For any service other than that of common laborer the applicant will be required to produce a certificate from some competent person, or persons, in the same trade or occupation, of the applicant's ability to do the special kind of work in which he desires to be employed.

Rule XIX.

REGISTRATION OF LABORERS.

1. **Registers.** Registers for each trade and the different branches of labor in the city service shall be kept in the office of the Commission.

2. **Order of Registration.** The names of applicants who have been found by the examiners qualified for the employment sought, shall be entered upon the appropriate registers in the order of rating fixed by the examiners, but no person shall be enrolled upon more than two registers without the consent of the Commission.

3. **Registers According to Districts.** The Commission may, if the needs of the service seem to require, divide the city into districts and make separate registers of laborers residing in each of such districts. The Commission may change such districts at any time, and such registers may be consolidated into one or more registers.

Amended and altered as follows:

In reference to the labor eligibles, excepting skilled labor, now posted in the official ledgers, all averages shall be obliterated and every laborer on such list shall be given an average mark of 100, and in accordance with their legal residentships they shall be divided into twenty districts as follows:

First District shall comprise the First and Second Wards.

Second District shall comprise the Third, Fourth and Fifth Wards.

Third District shall comprise the Sixth and Seventh Wards.

Fourth District shall comprise the Eighth Ward.

Fifth District shall comprise the Ninth Ward.

Sixth District shall comprise the Eleventh and Twelfth Wards.

Seventh District shall comprise the Sixteenth Ward.

Eighth District shall comprise the Seventeenth Ward.

Ninth District shall comprise the Eighteenth Ward.

Tenth District shall comprise the Nineteenth Ward.

Eleventh District shall comprise the Tenth Ward.

Twelfth District shall comprise the Fourteenth Ward.

Thirteenth District shall comprise the Thirteenth and Fifteenth Wards.

Fourteenth District shall comprise the Twentieth, Twenty-first and Twenty-second Wards.

Fifteenth District shall comprise the Twenty-third and Twenty-fourth Wards.

Sixteenth District shall comprise the Twenty-fifth and Twenty-sixth Wards.

Seventeenth District shall comprise the Twenty-seventh and Twenty-eighth Wards.

Eighteenth District shall comprise the Thirtieth, Thirty-first and Thirty-second Wards.

Nineteenth District shall comprise the Thirty-third and Thirty-fourth Wards.

Twentieth District shall comprise the Twenty-ninth Ward.

And whereas, it is provided by Section 10 of the Civil Service Act that the Commission may provide by rule that laborers shall be selected by lot, it is therefore ordered that hereafter laborers shall be selected by lot from the eligible list.

4. **Re-Employment after Removal.** No employe whose employment is terminated by reason of failure or refusal to do the work assigned to him, incompetency, drunkenness, physical or moral disqualification, shall be retained upon the register, or be again eligible for registration, until the expiration of six months from the date of such termination and then only upon furnishing to the Commission satisfactory reasons for his failure to do the work, and satisfactory evidence that incompetency, or physical or moral disqualification for the employment for which he seeks to be registered does not exist.

5. **Regulations to be Made.** The Commission will make such regulations as it may deem necessary to identify the registered applicants, and to preserve a record of their conduct.

6. **Classes of Unskilled Labor.** Unskilled labor shall hereafter be divided into four classes, as follows:

Class I: BUREAU OF ENGINEERING.—Pipe yards, water pipe extension, pumping stations, bridge repairs, water works shops, cribs, masons' helpers, painters, blacksmiths' helpers, oilers on fire plugs, machinists' helpers.

BUREAU OF WATER.—Leak and waste men, shut-off men, laborers shut-off department, laborers assessors' department, laborers permit department, laborers meter department.

BUREAU OF STREETS.—Laborers lamp department and street repair men.

Class II: All laborers in Bureau of Streets, except street repair men and lamp department laborers, all laborers in Bureau of Street and Alley Cleaning.

Class III: All laborers in Bureau of Sewers, construction, repairing and cleaning.

Class IV: All laborers in Police Department, all laborers in Fire Department, all laborers in Electrical Department.

And there shall be hereafter only four lists of unskilled labor—one for each of the foregoing classes.

RULE XX.

EMPLOYMENT OF LABORERS.

1. **Waiver of Employment.** An eligible on any register in the labor service to whom employment is tendered, who fails to report for duty when called upon, must, within ten days of such failure, present reasons satisfactory to the Commission in explanation of the same; otherwise his name will be dropped from the register.

2. **Employment of Laborers.** On being laid off from service in any department, an eligible desiring further employment will return to the office of the Commission with a card from the employing officer, stating the date and reason of being laid off, and whether or not the services have been satisfactory. The names of all whose services have been found satisfactory will be retained on the register of eligibles for further certification.

3. **Emergency Appointments.** To prevent the stoppage of public business or to meet extraordinary exigencies, the appointing officer may, with the approval of the Commission, make a temporary appointment without requisition upon the Commission; provided, however, that in no case shall such temporary employment continue for more than sixty days, and only until regular employment can be made under these rules. No employment of the same person or of another to the same position at the end of such period shall be allowed under this rule.

RULE XXI.

PROMOTION OF LABORERS.

1. **Method of Promotion.** Promotion may be made from one rate of compensation to another in the same kind of employment. Preference in promotion shall be given to those who have been longest in the service, who have been found faithful and efficient, and who are qualified for such promotion. Helpers may be promoted to journeymen in the trade in which they are registered, after four years' service in that trade, subject to the above restrictions. Such promotions shall

depend only upon proficiency, industry, regularity of attendance, interest shown in the work, quality of work and good conduct.

2. **Foremen.** Foremen whose positions are reasonably permanent, and whose duties are responsible and important, will, as a rule, be regarded as in the Official Service, and vacancies will be filled, as occasion may require, through examination for promotion, or for original entrance, as the Commission may at the time decide.

3. **Promotion from the Ranks.** Whenever practicable, the position of foreman, not in the Official Service, assistant foreman, head laborer or gangman, shall be filled by promotion from the ranks. Such promotion shall be on the basis of ascertained merit and seniority, and upon the record as to efficiency, sobriety, and ability shown in the public service.

The head of the department in which the promotion is to be made shall nominate to the Commission the person in the service of that department or bureau who, in his judgment, on the basis above given, is best entitled to the promotion; and on the written approval of the Commission the promotion shall be made.

When it is found impracticable to fill any such place by promotion, the Commission will hold open examination for the same.

4. **Promotion from Labor to Official Service.** Promotion may be made from the Labor Service to the Official Service upon application and examination in the same manner as provided for original entrance to the position sought. Credit will be given to such applicants for efficiency and seniority while serving in the temporary, or Labor Service, as provided in Rule VIII, Section 7.

RULE XXII.

REPORTS TO BE MADE.

Appointing Officers to Report. For the purpose of certification to the Comptroller for the payment of wages, as required by Section 30 of said act, and in order that the Commission may keep proper record of changes in the service, each appointing officer will immediately report to the Commission the names and registry numbers of the persons

employed upon certification, with the date of such employment and the compensation, and upon the termination of the employment shall report the date of such termination, the reason thereof, and whether the service rendered has been satisfactory. These reports shall be made upon forms prescribed by the Commission.

RULE XXIII.

REDUCTION OF FORCE.

1. **How Made.** When, by reason of want of work, reductions are made in the force of laborers or workmen, those least efficient shall first be laid off. Foremen shall be given priority for retention in some capacity, and, as an incentive to the proper and fearless performance of duty, shall be among the last to be laid off.

2. **Reinstatement.** When it becomes necessary to reduce the force in the Labor Service on account of lack of work, insufficient appropriation, or other necessary cause, the heads of departments shall at once report to this office, in writing, the names of the persons laid off, the bureau in which they were employed and the character of their service; and when it becomes necessary to re-employ persons so laid off, the heads of departments shall report to this office in writing, at once, the names of persons so re-assigned, giving the positions to which such persons were re-assigned, and the date thereof. This rule will apply to persons who occupied their positions at the time the Civil Service Law went into effect, as well as to persons who have obtained their positions through examinations.

CHANGES IN FORMER RULES.

APPENDIX G.

CHANGES IN FORMER RULES.

RULE IV.

EXAMINATION.

SECTION 8. **Method of Examination and Marking.** All questions used in any examination shall be first approved by the Commission. All examinations shall be conducted under the supervision of, and examination papers shall be marked under the regulation of the Commission. The same series of examination papers shall not be used a second time.

Amended by adding the following:

No examination papers and no examinations shall be subject to review by the Civil Service Commission or any of its members after posting of the eligible lists. *Questions for examinations for positions where technical knowledge is required shall be submitted for approval to the head of the department of that branch of the service for which the examination is held, before being approved by the Commission.

SECTION 11. **Re-examination.** No person who has failed to pass an examination shall be re-examined within six months from the date of such failure. An applicant who has passed an examination and been enrolled upon a register of eligibles, shall not again be examined for the same branch of the service until one year from the date of such enrollment and then only upon withdrawing his name from the register of eligibles and filing a new application.

Amended by repealing the following portion of Section 11:

No person who has failed to pass an examination shall be re-examined within six months from the date of such failure.

* Portion of section following asterisk repealed.

RULE VI.

REQUISITION AND CERTIFICATION.

Amended by adding the following section:

SECTION 4. **Report from Department.** Whenever the name of an eligible has been certified by the Commission the head of the department to which the name of the eligible has been sent must report to said Commission within five days from the time of certification whether such person has been put to work, and if not to give reasons therefor in writing. In case such report is not made within the specified time, the person holding the position for which the eligible has been certified shall be marked on the books of the Commission as not entitled to pay from the city after the date of such certification.

RULE IX.

REMOVAL.

SECTION 2. **Cause for Removal. Charges, How Made.** Section 12 of said Act provides that no officer or employee in the Classified Service who shall have been appointed under these rules and after examination shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. When a removal is deemed necessary, the appointing officer shall immediately notify the Commission, in writing, of the grounds therefor. Such grounds shall be investigated by the Commission, and the accused person shall be given an opportunity to be heard in his own defense.

Amended by adding the following: Provided, however, that such officer or employee file a written statement requesting an investigation within three days after the date of his separation.

RULE XI.

POLICE DEPARTMENT.

Amended by adding the following section:

SECTION 2. **Examination of Ex-Members.** Any police officer whose record as such officer is good, and who was discharged without cause and without a trial, may re-enter the

police service of the city, if he succeeds in passing the prescribed examination, and as to such applicants the following rules are adopted:

a. The age limit for such officers shall be forty-five (45) years, except for such as have been in the police service of the city for ten years or more, and for such the age limit shall be fifty (50) years.

b. † Each applicant must be at least 5 feet 8 inches in height. The chest measurements prescribed by the rules for new applicants may be disregarded, provided at least two of the medical examiners will certify that the applicant is physically competent to perform the duties of a patrolman.

c. Any such applicants suffering with any disability produced or suffered while on duty as a police officer of the city shall not on that account be excluded from passing the physical examination, provided such disability is not of such nature as to entirely disable him from duty, and for such applicants there shall be kept, after they pass an examination, a special eligible list, and they shall have the preference over all others for such positions on the force as their physical condition will permit them to properly fill.

d. Police officers so restored on the eligible list shall be credited with whatever time they may have theretofore served the city, the same as if they had not been severed from the service; they shall, however, all re-enter the service as patrolmen, * but in examinations for promotion any one who has so been restored to the service may enter such examination for the position he had theretofore held in the service, or for a position one grade higher.

Rule XIX.

REGISTRATION OF LABORERS.

Section 3. **Registers According to Districts.** The Commission may, if the needs of the service seem to require, divide the city into districts and make separate registers of laborers residing in each of such districts. The Commission may change such districts at any time, and such registers may be consolidated into one or more registers.

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† Changed to 5 feet 7 inches.

* Portion of section following asterisk repealed.

Amended and altered as follows:

In reference to the labor eligibles, excepting skilled labor, now posted in the official ledgers, all averages shall be obliterated and every laborer on such list shall be given an average mark of 100, and in accordance with their legal residentships they shall be divided into twenty districts, as follows:

First District shall comprise the First and Second Wards.

Second District shall comprise the Third, Fourth and Fifth Wards.

Third District shall comprise the Sixth and Seventh Wards.

Fourth District shall comprise the Eighth Ward.

Fifth District shall comprise the Ninth Ward.

Sixth District shall comprise the Eleventh and Twelfth Wards.

Seventh District shall comprise the Sixteenth Ward.

Eighth District shall comprise the Seventeenth Ward.

Ninth District shall comprise the Eighteenth Ward.

Tenth District shall comprise the Nineteenth Ward.

Eleventh District shall comprise the Tenth Ward.

Twelfth District shall comprise the Fourteenth Ward.

Thirteenth District shall comprise the Thirteenth and Fifteenth Wards.

Fourteenth District shall comprise the Twentieth, Twenty-first and Twenty-second Wards.

Fifteenth District shall comprise the Twenty-third and Twenty-fourth Wards.

Sixteenth District shall comprise the Twenty-fifth and Twenty-sixth Wards.

Seventeenth District shall comprise the Twenty-seventh and Twenty-eighth Wards.

Eighteenth District shall comprise the Thirtieth, Thirty-first and Thirty-second Wards.

Nineteenth District shall comprise the Thirty-third and Thirty-fourth Wards.

Twentieth District shall comprise the Twenty-ninth Ward.

And whereas, it is provided by Section 10 of the Civil Service Act that the Commission may provide by rule that laborers shall be selected by lot, it is therefore ordered that hereafter laborers shall be selected by lot from the eligible list.

Amended by adding the following section:

SECTION 6. **Classes of Unskilled Labor.** Unskilled labor shall hereafter be divided into four classes, as follows:

Class 1. BUREAU OF ENGINEERING—Pipe yards, water pipe extension, pumping stations, bridge repairs, water works shops, cribs, masons' helpers, painters, blacksmiths' helpers, oilers on fire plugs, machinists' helpers.

BUREAU OF WATER.—Leak and waste men, shut-off men, laborers shut-off department, laborers assessors' department, laborers permit department, laborers meter department.

BUREAU OF STREETS.—Laborers lamp department and street repair men.

Class 2: All laborers in Bureau of Streets, except street repair men and lamp department laborers, all laborers in Bureau of Street and Alley Cleaning.

Class 3: All laborers in Bureau of Sewers, construction, repairing and cleaning.

Class 4: All laborers in Police Department, all laborers in Fire Department, all laborers in Electrical Department.

And there shall be hereafter only four lists of unskilled labor—one for each of the foregoing classes.

RULE XXIII.

REDUCTION OF FORCE.

Amended by adding the following section:

SECTION 2. **Reinstatement.** When it becomes necessary to reduce the force in the Labor Service on account of lack of work, insufficient appropriation or other necessary cause, the heads of departments shall at once report to this office in writing the names of the persons laid off, the bureau in which they were employed and the character of their service; and when it becomes necessary to re-employ persons so laid off, the heads of departments shall report to this office in writing, at once, the names of persons so re-assigned, giving the position to which such persons were re-assigned and the date thereof. This rule will apply to persons who occupied their positions at the time the Civil Service Law went into effect, as well as to persons who have obtained their positions through examinations.

RULINGS AND PRECEDENTS

OF THE

COMMISSION.

APPENDIX H.

RULINGS AND PRECEDENTS.

In examinations for promotion a credit of five in the subject of seniority will be given for each year of actual service, whether continuous or not; see Rule VIII, Section 7. (Minutes of meeting, March 1, 1897.)

A member of the Police Department on the retired list is still to be legally regarded as a member of the Police Department and subject to restoration to the place from which he was retired, if, upon examination, it is declared that he is able to perform its duties. He need not take the Civil Service examination. (Minutes of meeting, April 29, 1897.)

Examination of former members of the Police Department. See Rule XI, Section 2. (Minutes of meetings, June 9 and October 14, 1897.)

Any member of the Classified Service, removed in accordance with the provisions of Section 11 of the Civil Service Act, must file a written statement with the Commission within three days after the date of his separation, if he wishes to claim a hearing in his own defense. See Rule IX, Section 2. (Minutes of meeting, June 10, 1897.)

Unskilled laborers divided into four classes. See Rule XIX, Section 6. (Minutes of meeting, Sept. 29, 1897.)

Heads of departments must report to the Commission whether or not persons certified are employed. See Rule VI, Section 4. (Minutes of meeting, Sept. 29, 1897.)

Unskilled laborers registered by districts. See Rule XIX, Section 3. (Minutes of meeting, Oct. 23, 1897.)

The Secretary of the Commission has power to grant the requests from departments to withdraw the reports of separation only in the case of those persons who have obtained their positions through Civil Service examinations. (Minutes of meeting, Nov. 4, 1897.)

Review of examination papers. See Rule IV, Section 8. (Minutes of meeting, Nov. 17, 1897.)

Change of rule regarding re-examination. See Rule IV, Section 11. (Minutes of meeting, Nov. 19, 1897.)

TABLE OF OFFICES

AND

PLACES OF EMPLOYMENT.

APPENDIX I.

TABLE OF OFFICES AND PLACES OF EMPLOYMENT IN THE SERVICE OF THE CITY OF CHICAGO, ARRANGED ALPHABETICALLY.

The following list embraces, as nearly as can now be ascertained, all the offices and places of employment in the service of the City of Chicago, as classified by the Civil Service Commission.

In accordance with Section 2, of Rule I, the Commission may, as occasion arises or the interests of the service require, decide to which class and division any particular office or place of employment shall belong. Until further action shall be taken by the Commission, the classification will be as given in the following table:

NOTE—The word "various," when used in the table, indicates that the position in connection with which the word is used exists in more than one department, grade or division, as the case may be.

CLASSIFIED SERVICE.

POSITION.	DEPARTMENT.	CLASS.	DIVISION.	GRADE.
Accountant	Public Works	A	C	Various
Architect	"	A	L	5
Assessor	"	A	C	5
Assessor (Assistant)	"	A	C	3 & 4
Auditor	Various	A	C	3
Bacteriologist	Health	A	A	7
Bacteriologist (Ass't)	"	A	A	2
Baker	House of Correction.	B		
Barn Man	Various	B		
Battery Man	"	A	E	2
Blacksmith	"	B		
Boiler Washer	"	B		
Bookkeeper	"	A	C	Various
Bricklayer	"	B		
Brickmaker	House of Correction.	B		

POSITION.	DEPARTMENT.	CLASS.	DIVISION.	GRADE.
Calker	Various	B		
Captain	"	A	D & F	Various
Carpenter	Various	B		
Cashier	"	A	C	Various
Cataloguer	Library	A	K	"
Cell-house Keeper	House of Correction.	A	J	1
Cement Tester	Public Works	A	I	5
Chemist	Health	A	A	5
Chemist (Ass't)	"	A	A	3
Chief of Battalion	Fire	A	F	10
Chief of Construction	"	A	E	7
Chief of Repair Shop	"	A	L	7
Clerk	Various	A	C	Various
Coal Passer	Public Works	B		
Col. of Water Samples	Health	B		
Commissioner (Ass't)	Health	A	A	8
Cook	Various	B		
Cribkeeper	Public Works	A	L	Various
Custodian	Police	A	C	5
Detective	"	A	D	4
Dog Catcher	Various	B		
Draughtsman	"	A	B & L	Various
Driver	"	A	Various	Various
Dynamo Cleaner	Fire	B		
Dynamo Tender	"	A	E	2
Electrician	Various	A	E	1 & 2
Elec. Ins. Maker and Repairer	Fire	A	E	1
Elevator Operator	Public Works	B		
Elevator Starter	"	A	J	2
Engineer	Various	A	Various	Various
Fireman	Various	B		
Fitter	"	B		
Foreman	Various	A	L	Various
Foreman (Ass't)	"	B		
Fumigator	Health	A	A	3
Fire Marshal	Fire	A	F	10
Gangman	Public Works	B		
Gardener	"	B		
Glazier	Various	B		
Guard	House of Correction.	A	J	1
Harness Maker	Various	B		
Helper	"	B		
Hospital Steward	House of Correction.	A	L	4
Hostler	Various	B		
Housekeeper	House of Correction.	A	L	1
Hydrant Builder	Public Works	B		
Inspector	Various	A	Various	Various

POSITION.	DEPARTMENT.	CLASS.	DIVISION.	GRADE.
Janitor and Janitress..	"	B		
Laborer	"	B		
Lamplighter	Gas Inspection	B		
Lamp Repairer	Fire	B		
Lamp Trimmer	"	B		
Leak and Waste Man	Public Works	B		
Leveler	"	A	B	3
Librarian	Public Library	A	K	10
Librarian (Ass't)	"	A	K	Various
License Officer	Various	A	C & D	3
Lieutenant	"	A	D & F	4
Lineman	Fire	B		
Machinist	Various	B		
Mason	"	B		
Matron	"	A	L	1 & 2
Messenger	"	A	C	Various
Meter Setter	Public Works	B		
" Tester	"	B		
Milk Tester	Health	A	A	1
Molder	Various	B		
Nurse	Health	A	A	2
Office Boy	Library	A	C	1
Oiler	Various	B		
Operator	"	A	Various	Various
Pages	Library	A	C	1
Painter	Various	B		
Parkkeeper	Public Works	B		
Patrolman	Police	A	D	1 & 3
Paver	Public Works	B		
Paymaster	Comptroller	A	L	6
Photographer	Police	A	L	5
Photographer (Ass't)	"	A	L	3
Physician	Isolation Hospital	A	A	7
Pilot	Fire	A	F	4
Pipeman	"	A	F	2 & 3
Plumber	Various	B		
Printer	"	A	L	1 & 4
Purchasing Agent	Public Works	A	L	6
Rammer	Public Works	B		
Rate Taker	"	A	C	2
Recorder of Births	Health	A	C	5
Recorder of Deaths	"	A	C	5
Registrar	Public Works	A	C	2 & 4
Registrar Vital Statistics	Health	A	A	4
Reg. Vital Statistics. (Ass't)	Health	A	C	4
Repairer	Various	B		

POSITION.	DEPARTMENT.	CLASS.	DIVISION.	GRADE.
River Police	Public Works	A	L	2
Rodman	Various	A	B	2 & 3
Saddler	Police	B		
Screen Man	Various	B		
Scrub Woman	"	B		
Sealer, Deputy	Weights and Measures	A	C	Various
Secretary	Various	A	Various	Various
Sergeant	Police	A	D	4 & 5
Shopkeeper	House of Correction.	A	C	1
Shut off Man	Public Works	A	C	2
Sign Etcher	Gas Inspection	B		
Stenographer	Various	A	C	Various
Stoker	Fire	A	F	3
Storekeeper	House of Correction.	A	C	1
Superintendent	Various	A	Various	Various
Superintendent (Ass't).	"	A	"	"
Tallyman	"	B		
Tapper	Public Works	B		
Teller	Various	A	C	3 & 6
Timekeeper	"	B		
Tinner	Various	B		
Truckman	Fire	A	F	2 & 3
Tunnel Expert	Public Works	A	I	7
Typewriter	Various	A	C	1
Vaccinator	Health	A	A	2
Veterinary Surgeon	Various	A	A	Various
Wagonmaker	Police	B		
Watchman	Various	B		
Water Boy	Public Works	B		
Weigher	"	A	C	1 & 2
Welltender	"	B		
Woodfinisher	"	B		
Woodworker	Fire	B		
Yardman	Public Works	B		

MINUTES OF MEETINGS

OF THE

CIVIL SERVICE COMMISSION

OF

CHICAGO.

APPENDIX J.

MINUTES OF MEETINGS.

JANUARY 2, 1897.

The Commission met in its office, No. 115 City Hall, on Saturday, January 2, 1897, at 11 o'clock a. m. There were present Commissioners Clark, Hotz and Waller. The President in the chair.

The minutes of the last meeting were read and approved.

The Secretary called up the case of John P. Coffey, a patrolman, who was certified April 2, 1896; advanced to first-class patrolman October 14, 1896. He was sworn and asked to state in his own way all facts bearing on the case.

William I. Wilson, 596 Turner avenue, was sworn and testified on behalf of the accused. After listening to the evidence, the Commission felt that, before deciding the case, further investigation was necessary, and for that purpose the hearing of the case was postponed.

There being no further business, the meeting then adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

JANUARY 16, 1897.

The Commission met in its office, No. 115 City Hall, at 10.30 a. m., on Wednesday, January 16, 1897. There were present Commissioners Clark, Hotz and Waller. The President in the chair.

The minutes of the last meeting were read and approved.

The case of Policeman John P. Coffey, which was postponed from the last meeting, was then taken up. In this interval, the Commission has farther investigated the facts in this case, and on motion of Commissioner Waller, seconded by Commissioner Hotz, it was ordered by unanimous vote that the discharge from the force of Officer Coffey be approved, and the Secretary was instructed to certify the same to the General Superintendent of Police.

The President called attention to the fact that the law requires that the Commission should, on or before the 15th of January of each year, make to the Mayor for transmission to the City Council an annual report. He further stated that the report prepared by the Commission had by him been taken to the Mayor on Thursday, January 14, and that the Mayor desired that it should be printed for the use of the Council. That is now being done, and it is promised to be ready for the meeting of the Council to be held on Monday evening, February 1.

There being no further business the meeting then adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

JANUARY 23, 1897.

The Civil Service Commission of Chicago met in its office, No. 115 City Hall, on Saturday, January 23d, at 11 a. m. There were present Commissioners Clark, Waller and Hotz. The President in the chair.

The President stated that for the purpose of record, he desired to submit the following report as to an investigation held by the Commission, under authority of Section 14 of the act.

On January 4th, the following letter was received by the Commission:

"JANUARY 4, 1897.

HON. GEO. B. SWIFT,
Mayor of the City of Chicago:

Dear Sir—Articles have lately appeared on several occasions in some of the local newspapers making vague charges, largely in the form of insinuations, against Assistant General Superintendent Alexander S. Ross and Inspector John D. Shea, of the Police Department

of this City, in connection with the Schrage bond robbery, so-called. Ordinarily mere newspaper statements of this character should not receive much official consideration, but in this instance it does not seem wise to ignore the subject matter altogether, particularly as the charges reflect upon the character and conduct of two of the principal officers of the Department.

Upon their first appearance, Inspector Shea expressed to me a desire for an investigation of them, and Assistant Superintendent Ross, upon his return to the City, after a short absence due to illness, has expressed a similar desire. Both these officers emphatically deny that there is any truth or basis of truth in these charges, insisting that they spring solely from the enmity of confessed criminals to whom some people appear ever ready to yield a willing credence, and both have requested that, if practicable, the Civil Service Commission make an investigation. In view of the rank of the officers, my necessary close relations with them and the seriousness of the charges I should prefer not to investigate them myself, and I believe it would be better for the Police Department, and possibly more satisfactory to the community, if an investigation could be made by the Civil Service Commission, which I assume has power to compel the attendance and testimony of witnesses.

I therefore beg to recommend that you officially request the Commission to investigate the charges referred to, and to do so at as early a date as practicable. Of course, all possible assistance in such an investigation will be given by this department.

Very respectfully yours,

(Signed) J. J. BADENOCH,
General Superintendent of Police."

On the back of this letter was the following endorsement:

"Approved and referred to the Civil Service Commission, with the request that they consent to conduct an investigation as herein suggested. (Signed) GEORGE B. SWIFT,
January 4, 1897. *Mayor.*"

The Commission decided to hold the investigation requested. It was begun on Thursday, January 7, in the ante-room of the Council chamber, and in opening the same the following statement was made by the President:

"Before proceeding with this investigation, the Civil Service Commission desires that its purpose and scope should be fully understood by all parties interested.

It should be understood that it is to be an investigation, not a trial, and that it is held solely in the interest of the Public Service.

Except as to the employes in its own office, the law confers upon the Civil Service Commission no power of removal from the service, no power to enforce discipline or to impose penalties of any kind; therefore, the Commission does not hold trials. The right to try an offender implies the power to punish.

But in the interest and for the protection of the public service the law confers upon the Commission full and complete power to conduct investigations. It may investigate not only as to enforcements of the law and of its rules, but as to the conduct and action of all appointees in the Classified Service.

If, in the course of its investigations, violations of law are disclosed, the evidence is sent to a court of law for judicial consideration.

This investigation is made necessary by reason of the fact that rumors or charges of grave official misconduct in connection with what is known as the "Schrage Bond Robbery" have been circulated on the streets, and have appeared in the public press, seriously affecting the reputation of the public service.

These charges have been chiefly aimed at Assistant Superintendent Alexander S. Ross and Inspector John D. Shea, two officers of the highest rank in the classified service in the Department of Police.

Investigation of these charges was first asked for by these officers. In accordance with the rules of the Department, their request was made to the General Superintendent of Police, and by him it was laid before his honor, the Mayor. It is upon the written request of Mayor Swift that this investigation is now entered upon by the Civil Service Commission. It will be limited, at least for the present, to ascertaining the truth or falsity of these charges.

In this matter the Commission has no purpose to serve other than to promote the interest of the public service, and it believes that this can best be done by ascertaining the exact facts in the case through means of a public investigation. To accomplish this it will make use of such ability as it has, and of all the power conferred upon it by the law; and it invites the co-operation of every citizen interested in purifying the public service who may have knowledge that may be of assistance to it.

To this end it has engaged the services of Luther Laflin Mills as the legal adviser of the Commission. He does not appear here as an attorney for the prosecution, nor for the defense, but brings his skill, ability and wide experience to aid the Commission in so conducting the investigation that the truth may be disclosed in the interest of justice and the public service."

The investigation was continued during January 7th, 8th and 9th, and the further hearing was then adjourned until Wednesday, January 20th, when it was again resumed and continued until completed, on January 23d. All of the Commissioners were present at each session.

During the investigation the following witnesses were examined, and their testimony, written out in full, is on file in the office of the Commission:

Alfred St. Joseph Burke.	James Manning.
Frank H. Bowen.	Mary Manning.
Joseph R. Burres.	Ernest R. Vader.
Joseph B. David.	Robert Blei.
George H. Williams.	Joe Emmich.
William A. Pinkerton.	Marietta Dyke.
Edward B. Smith.	Stephen Grace.
Frederick Arnd.	W. C. Hoyer.
E. K. Boisot.	Charles Arnd.
Daniel A. Pierce.	John E. Cowles.
John J. Badenoch.	George D. Bolton.
William A. Mason.	Alexander S. Ross.
Inspector Fitzpatrick.	A. B. St. John.
Allen C. Story.	John D. Shea.
Inspector Hunt.	Edward B. Lewis.
William A. Cave.	Mr. Mulvey.

R. M. Easley.

On January 23d the investigation was concluded and the following report was made to the Mayor:

"JANUARY 23, 1897.

HON. GEORGE B. SWIFT,
Mayor of Chicago.

Sir—The Civil Service Commission respectfully reports that under authority conferred upon it by law, and in compliance with your request, it has held an investigation "As to the conduct and actions of certain appointees in the Classified Service" in connection with what is known as the "Schrage Bond Robbery."

The officers especially referred to in your communication were Assistant Chief Alexander S. Ross and Inspector John D. Shea, both serving in the Department of Police.

In view of their long service to the City, their high official rank and the gravity of the charges that had been made against them in the public press, the Commission believed the occasion one that fully justified the exercise of the wide power of investigation conferred upon it by the Civil Service Act.

In order that its conclusions, when reached, should be entitled to your confidence and to that of the public, the Commissioners felt it to be their duty to make the investigation as thorough and complete as it was possible for them to make it; and that no effort should be spared to ascertain the exact truth, regardless of who might be affected thereby.

In opening the investigation the Commissioners publicly invited the co-operation of every citizen interested in purifying the public service, who might have knowledge that could be of assistance to it; and it has continued the investigation long enough to give full opportunity to all to avail themselves of the invitation. In response the Commission has received suggestions from various sources and a number of communications, some of which were anonymous. Every suggestion offered, and all clews, from whatever source obtained, have been followed as long as they seemed to give any promise of results.

In the interest of economy, the Commission has, as far as practicable, availed itself of the services of officers in the employ of the City in serving its subpœnas and in the collection of evidence, but it has not limited itself to such officers. After exhausting the sources of information supplied by the Police Department, the Commission adjourned the further hearing of the case for one week, during which time it pursued a line of investigation entirely independent of any person in the City employ.

It retained legal counsel of ability and wide experience in such matters to aid in conducting the examination of witnesses and in sifting and analyzing the evidence presented.

A large number of witnesses have been examined, and their testimony, taken down by a competent reporter, has been carefully written out, and is now on file in the office of the Commission, subject to inspection at all times.

So far as the Commission has been able to ascertain, the charges against the officers named rested solely upon the unsupported statement of "Sleepy Burke," one of the criminals who had been arrested for complicity in the robbery. The evidence showed that his statement had been for some time in the possession of the chief newspaper offices of the City, but that it was not regarded as worthy of sufficient confidence to warrant them in publishing it.

During the latter part of November Burke's statement, including the charges against the officers of police, was thoughtlessly given to the press by the Secretary of the Civic Federation. The high character of the Civic Federation, composed, as it is, of many of our most earnest and public-spirited citizens, and the valuable work that it has done and is still doing in the promotion of municipal reform, would lend confidence to any statement apparently emanating from it; hence the matter was published in all of the principal newspapers of the City.

The Secretary of the Civic Federation was given an opportunity to testify before the Commission. He admitted frankly that before reading the statement and without knowing what it contained, he gave it to a representative of the press and that he committed an error in judgment in doing so.

In answer to a question by one of the Commissioners, he stated that he personally had no information or knowledge of any improper conduct on the part of the officers named, or of any officer in the Police Department in connection with the Schrage Bond Case; and further,

that he is fully informed as to the papers and correspondence of the Civic Federation, and that he knew of no such evidence or information being in its possession.

The Commission has patiently investigated every available source of information, and, as a result of its labors, is unanimously of the opinion that the insinuations made in "Sleepy Burke's" statement and the charges as published against the officers named, are untrue and absolutely without foundation. Aside from the statement of "Sleepy Burke," the Commission was unable to secure a particle of evidence of any kind, either direct, or circumstantial, in support of the charges made.

It is the opinion of the Commission, based upon the evidence presented at the investigation, that the officers of the Police Department, including Superintendent Ross and Inspector Shea, under the able lead of General Superintendent Badenoch, so far from being open to censure, are entitled to the highest credit and to the thanks of all good citizens for the skill and ability they have shown in the pursuit and arrest of the perpetrators of the "Schrage Bond Robbery," and in the recovery of the larger part of the stolen property.

No comment seems necessary from the Commission upon the injustice and injury that may be wrought through the thoughtless publication of charges against any person as serious as these charges were, and as unfounded as they prove to have been, and for which there seems to be no adequate redress. In the case of a person holding a position in the public service the injury is two-fold in character; for not only does the victim suffer as an individual, but the whole service of which he is a member is injuriously affected.

Respectfully submitted,

[Signed] JOHN M. CLARK,
ROBERT A. WALLER,
CHRISTOPH HOTZ,
Civil Service Commission.

There being no further business the Commission adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

JANUARY 31, 1897.

The Civil Service Commission met in its office, No. 115 City Hall, on Saturday, January 31, at 11 a. m. There were present Commissioners Clark, Waller and Hotz; the President in the chair.

The minutes of the last meeting were read and approved.

The following list of expenditures by the Commission during the month of January was submitted, and after due examination approved and ordered sent to the Comptroller for payment:

Pay Roll for month of January		$ 2,125.00
Cameron, Amberg & Co.:		
Stationery	$ 2.15	
Furniture	5.70	
Blank Books	.57	
		8.42
E. J. Phelps, Secretary:		
Witness and mileage fees (Ross and Shea investigation)	$14.30	
Witness and mileage fees (trial board) Mr. Sandler	5.50	
Incidentals:		
Ida Anderson (one day's service, stenographer)	3.00	
Freight on desk	1.00	
Telegram to George McEneny, N. Y.	.60	
		24.40
Luther Laflin Mills, Investigation "Schrage bonds:"		
For professional services		1,000.00
For amount of bill of detectives		239.70
For amount of bill of stenographer		366.60
		$3,764.12

The Secretary presented the case of Patrolman August Scheotfeld; Mr. Scheotfeld had been before the Investigating Board of the Commission in the Department of Police, on charges of being absent from duty without permission. The Secretary was present during the entire trial before the Investigating Board, and the Board had recommended that Mr. Scheotfeld be discharged from the service. The evidence showed that he had been absent from duty for a considerable number of days under suspicious circumstances, without communicating with any of his superior officers; and that for over a week they had been in ignorance of his whereabouts.

The recommendation of the Investigating Board, on motion of Commissioner Hotz, seconded by Commissioner Waller, that the report of the Board recommending the discharge of Mr. Scheotfeld be accepted, and the discharge authorized.

The Secretary then presented the case of Dennis P. Carmody. Mr. Carmody's case had also been heard by the Investigating Board of the Commission in the Department of Police

and his discharge from the service had been recommended. It appeared from the evidence that Mr. A. M. Sandler had been attacked upon the public highway by a thief who robbed him of his money. The evidence showed that he held the thief until the arrival of Officer Carmody who declined to make an arrest; and the escape of the offender resulted. The Secretary of the Commission was present during the trial of the entire case before the Investigating Board. After due consideration it was moved by Commissioner Hotz, seconded by Commissioner Waller, that the report of the Board recommending the discharge from the service of Mr. Carmody be accepted and the discharge authorized. The motion was carried.

There being no further business, the meeting then adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

FEBRUARY 5, 1897.

The Civil Service Commission met in its office, room No. 115, City Hall, on Thursday, February 5, 1897, at 11 o'clock, a. m.

There were present Commissioners Clark, Waller and Hotz. The President in the chair.

The minutes of the last meeting were read and approved.

The Commission discussed the question of the appropriation to be made for its use during the ensuing fiscal year, and as embracing the unanimous judgment of the Commissioners the following letter was written to the Comptroller:

HON. O. D. WETHERELL, "FEBRUARY 3, 1897.

Comptroller, City of Chicago:

Sir—The Civil Service Commission of Chicago has the honor to submit herewith an estimate of its requirements for the ensuing year.

It is believed that for the due enforcement of the law a total sum of $73,035.00 will be required to be used, substantially as follows:

Official salaries—3 Commissioners and Secretary—fixed by the statutes		$12,000.00
Medical examiners	$ 4,500.00	
Supplies and expenses medical board	500.00	
Assistant examiners	20,000.00	
Members of trial boards	4,500.00	
		29,500.00

5 clerks	$ 5,200.00	
1 stenographer	900.00	
1 messenger	600.00	
		$ 6,700.00
Printing report for use of Mayor and Council, as directed by the statute	$ 1,800.00	
Printing official blanks and books	1,500.00	
Printing examination papers	4,500.00	
Advertising (required by statute)	750.00	
Telephone	135.00	
Postage	1,500.00	
Stationery and office supplies	1,250.00	
Expense of investigations	10,000.00	
Furniture for new office	2,500.00	
Incidentals, telegrams, express, etc.	900.00	
		24,835.00
		$73,035.00

The Commissioners will be glad to appear before you at any time that you may designate, to give information as to any of the items in the above estimate.

Respectfully submitted,
[Signed] JOHN M. CLARK."

On motion of Commissioner Waller, seconded by Commissioner Hotz, the Secretary and Chief Examiner was instructed to at once prepare to hold a series of examinations, covering all positions in the Classified Service in which there is now no eligible list, or in which the list is nearly exhausted.

As a result of conferences held by the Commissioners with the chief officers of the Police and Fire Departments, the following motion was offered by Commissioner Hotz, seconded by Commissioner Waller:

Resolved, That in promotional examinations to be held in Divisions D and F (Police and Fire Departments), the system of rank and official designation as established by ordinance, or usage, and in force in those departments, will be recognized, in accordance with Section 6, Rule 1, of the Civil Service Rules. And that, in the Police Department, separate examinations will be held for the promotion of Patrolmen to the positions of Patrol-Sergeant, Desk-Sergeant and Detective Sergeant. That from the position of Detective Sergeant up to and including that of Captain of Detectives promotions will be limited to those in the Detective Service, and that a Captain of Detectives will be in regular line of promotion to the position of Inspector of Police.

Carried by unanimous vote.

There being no further business, the meeting then adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

FEBRUARY 17, 1897.

The Commission met in its office, Room No. 115 City Hall, on the 17th day of February, at 11 o'clock A. M.

Present: Commissioners Clark, Waller and Hotz, the President in the chair.

The minutes of the last meeting were read and approved.

In view of pending examinations for promotion in both the Police and Fire Departments, it was deemed best that Boards of Promotion in both of said departments be appointed, in accordance with Section 2 of Rule VIII.

After thorough discussion of the question, and after consultation with the heads of the two departments named, it was moved by Commissioner Hotz, seconded by Commissioner Waller, that a Board of Promotion be organized for the Police Department, consisting of the following officers:

JOHN J. BADENOCH,	General Superintendent of Police, President.
CAPTAIN A. F. CAMPBELL,	Secretary of Police, Secretary.
ALEX. S. ROSS,	Assistant Chief of Police.
J. E. FITZPATRICK,	Inspector.
JOHN D. SHEA,	Inspector.
NICHOLAS HUNT,	Inspector.
M. J. SCHAACK,	Inspector.

Also, that a Board of Promotion be organized for the Fire Department, consisting of the following officers:

DENIS J. SWENIE,	Fire Marshal and Chief of Brigade, President.
WILLIAM H. MUSHAM,	First Assisant Fire Marshal.
CHARLES F. PETRIE,	Third Assistant Fire Marshal and Secretary of Fire Department, Secretary.

The Commission, through inquiry, has ascertained that in each of the above Boards the gentlemen named for the same are not all members of one political party; and it is understood that the Commission may, in its discretion at any time, change the personnel of either of said Boards, or abolish either or both of them; and that appointments to any Board of Promotion organized by the Commission are to continue only during the pleasure of the Commission. The motion was carried by unanimous vote.

The Secretary submitted the resignation in writing of Miss Mamie E. Moran, stenographer, to take effect Tuesday, February 9, 1897, with the statement that he had, in writing, accepted the same, to take effect on the date named. The action of the Secretary was approved.

The Secretary submitted a communication from the Commission's Investigating Board, in the Department of Police, recommending the discharge from the Department of Probationary Patrolman Samuel C. Allen, under provision of Section 6, Rule 11, for making a false statement in his application for appointment. Commissioner Hotz stated that he and the Secretary had been present when Mr. Allen was given a hearing, and had heard all the evidence. On motion of Commissioner Hotz, seconded by Commissioner Waller, the recommendation was approved, and the discharge duly authorized. The vote was unanimous, and the Secretary was instructed to certify the finding of the Commission to the General Superintendent of Police.

There being no further business the meeting adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

MARCH 1, 1897.

The Civil Service Commission met in its office, No. 115 City Hall, on Monday, March 1, at 11 o'clock A. M.

Present—Commissioners Clark and Hotz, Commissioner Waller being absent from the City. The President was in the chair.

The minutes of the last meeting were read and approved. The Secretary and Chief Examiner stated that, in preparing for the promotion examinations ordered for the Police and Fire Departments, some confusion existed as to the credit to be given for seniority, under Section 7, Rule 8, and that he desired instruction in regard thereto. The rules authorized a credit of five for each year of "continuous service." There are cases in each of these departments of officers who have served satisfactorily for a number of years, then, after dropping out for a time, have been reinstated, and are now in the service. One case, as an illustration, is as follows:

An officer had served continuously in the Department of Police for twenty-one years, and was then dropped for political reasons. A short time after he was reinstated, and is now in the service; has served about five years continuously since reinstatement. What credit for seniority should be given in his case, he having had two different periods of service—one

of twenty-one years and the other of five years, each of which ought to be properly described as "continuous." After viewing the subject in all its bearings, and realizing the fact that the credit for seniority, as fixed by the rules, was given in recognition of the value to the service of the experience gained by the applicant in the service, it was the unanimous opinion of the Commission that this experience was not rendered of less value by reason of a break in the term of service, and that the purpose and object of the Commission would be better obtained by construing the rule to mean "for each year that the applicant has continued in the service;" or, in other words, for each year of actual service. This was found to be the practice in estimating the service requisite to entitle a man to a retiring pension in each of these departments.

On motion of Commissioner Hotz, the Secretary was instructed, in the promotion examination soon to be held in the Police and Fire Departments, to allow to each applicant a credit for seniority of five for each year of actual service in the department.

Carried.

The Secretary submitted the following itemized list of the expenditures of the Commissioners for the month of February:

EXPENSE ACCOUNT MONTH OF FEBRUARY, 1897.

Feb. 24	Pay roll month of February.....		$2,135 36
" 24	P. F. Pettibone & Co.:		
	12,000 2d Annual Reports as per contract, 275 pp. (paper covers), also 2,000 (cloth covers).....	$1,260 00	
	13 additional pages, at $3.58.....	46 54	
	139 ems alterations, at 50c.....	69 50	
	234 additional copies (paper) at $51.60 per M.....	12 07	
	2,500 envelopes (Annual Reports).....	15 00	
			1,403 11
" 27	Cameron, Amberg Co.:		
	Stationery.....	$ 8 15	
	Blank books.....	44 04	
	Printing.....	28 50	
			80 69
" 27	Chicago Dispatch:		
	To advertising month Oct., 1896.....	$ 15 84	
	To advertising month of Jan., 1897...	5 04	
			20 88

Feb. 27	Wyckoff, Seamans & Benedict, Repairing type-writing machine.....		$	8 30
" 27	E. J. Phelps (incidentals):			
	Telegrams.....	$ 1 63		
	Stamps (Annual Reports).....	44 00		
	U. S. Express Co. (Annual Reports)..	26 21		
				71 84
				$3,720 18

After due consideration of the various items, the list was approved, and ordered sent to the Comptroller for payment.

There being no further business the meeting then adjourned.

E. J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

MARCH 2, 1897.

The Civil Service Commission of Chicago met in its offices, Room 115 City Hall. There were present Commissioners Clark and Hotz; absent: Commissioner Waller, who was out of the City.

The minutes of the previous meeting were read and approved.

The Secretary reported that he had offered the position as stenographer in the office of the Commission to each of the men now on the eligible list for stenographers, and that each of them had waived the appointment.

Commissioner Hotz moved that authority be given the Secretary to employ a stenographer temporarily until such time as an examination for stenographers could be held, and a man secured permanently from the eligible list.

There being no other business the meeting adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

MARCH 30, 1897.

The Civil Service Commission of Chicago met in its offices, No. 115 City Hall. There were present Commissioners Hotz and Waller; absent: Commissioner Clark, who was out of the City.

The minutes of the previous meeting were read and approved.

The Secretary reported that, as previously instructed by the Commission, he had secured the services temporarily of Miss Mary Burkleo, to act as stenographer for the Commission; that an examination for stenographers had been held; that the papers had been marked and the eligible list prepared; that he had offered the permanent position as stenographer to the Civil Service Commission to the first two male eligibles on the list; that they had waived the appointment; and that the third eligible, Mr. Harry G. Hudson, of No. 6730 Champlain Avenue, had signified his willingness to accept the same. On motion of Commissioner Hotz the Secretary was instructed to certify Mr. Hudson to the Commission for permanent employment as stenographer at a salary of $75.00 per month.

The Secretary reported that the work of marking papers was accumulating so rapidly that the force of markers was insufficient to handle the work expeditiously, and that under authority given him by the Commission he had employed temporarily Mrs. Elizabeth Binns and Miss Adelaide B. Stratton. The action of the Secretary was approved.

The Secretary reported that charges had been filed by the Fire Marshal against Mr. F. C. Allfield, probationary driver in the Fire Department, alleging incompetence on his part and recommending his dismissal from the service. In accordance with previous instructions the Fire Marshal, D. J. Swenie, together with Captain O'Connell, of the Fire Department, and Mr. Allfield appeared before the Commission and the evidence in the case was heard. It appeared that Mr. Allfield had been responsible for the overturning of a chemical engine. After considering fully all the facts brought forward, the Commission voted unanimously that the recommendation of the Fire Marshal be approved and that the discharge from the service of Mr. Allfield be authorized. The Secretary was instructed to notify the Fire Marshal and Mr. Allfield officially of this finding.

There being no other business the meeting adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

APRIL 3, 1897.

The Civil Service Commission met in its office, Room 115, City Hall. Present: Commissioners Clark, Waller and Hotz. President in the chair.

The minutes of the previous meeting were read and approved.

The Secretary reported that the Commissioner of Public Works, on recommendation of J. J. Linahan, Chief Janitor, had preferred charges against William B. Crawford, a probationary elevator operator, who had been certified by the Commission. Mr. Crawford was charged with using abusive language to a lady while running his elevator.

In accordance with previous instructions, Mr. Linahan and Mr. Crawford appeared before the Commission, and all the evidence in the case was taken. After considering fully all the statements in the case, it was moved by Commissioner Hotz and seconded by Commissioner Waller, and carried, that final action in the matter be postponed until a further investigation be made.

The Secretary submitted the following itemized list of expenditures of the Commission for the month of March:

EXPENSE ACCOUNT MONTH OF MARCH, 1897.

Mar. 1	Chicago Dispatch:			
	Advertising during the month of February, 1897 (Notices of examination).....			$ 15 84
" 17	E. J. Phelps, Secretary:			
	Incidentals (Promotional examinations Police Department).....			38 65
" 22	Chicago Reporting and Copying Co.:			
	Mimeographing letters.....			3 75
" 30	P. F. Pettibone & Co.:			
	To 12 M additional pages, for second Annual Report.....			11 25
" 31	Cameron, Amberg & Co.:			
	Stationery.....	$ 37 60		
	Blank books.....	3 59		
	Printing.....	113 60		154 79
" 31	Pay roll month of March.....			2,647 98
				$2,872 26

After due consideration of the various items the list was audited and approved, and ordered sent to the Comptroller for payment.

There being no other business, the meeting adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

APRIL 15, 1897.

The Civil Service Commission met in its offices, No. 115 City Hall. Present: Commissioners Clark and Hotz; absent: Commissioner Waller, who was out of town.

The minutes of the previous meeting were read and approved.

The Secretary presented the case of Bernard McMahon, clerk on probation at the Lake View Pumping Station. Charges had been preferred against Mr. McMahon by Mr. Fred. D. Parker, chief engineer at said station, and the discharge of Mr. McMahon had been recommended by the Commissioner of Public Works. The evidence in the case was taken by the Commission, Mr. McMahon and Mr. Parker both being present. After considering all the facts submitted it was the unanimous opinion of the Commission that the discharge recommended should be approved, and the Secretary was instructed to notify the Commissioner of Public Works and Mr. McMahon of the finding.

The case was also presented of Mr. Joseph Clancy, who had filed application for examination for entrance to Police Department. The records of the Department were introduced in evidence, together with a report from Capt. Larsen, of the 32d Precinct station, which is on file in the office of the Commission, proving conclusively that Mr. Clancy was a man of bad moral character, and in accordance with Section 5 of Rule 3, of the Civil Service Law, the Secretary was instructed to cancel Mr. Clancy's application and notify him officially of the action.

The same action was taken in regard to Mr. Dennis B. Lynch, who had filed application to be a pipeman in the Fire Department. It appeared that Mr. Lynch had been sworn in as a special policeman for temporary service on election day, and conducted himself on the public streets in such fashion as to necessitate his arrest. A report from Capt. Koch, of the Harrison Street Police station, giving the essential facts in the case is on file in the office of the Commission.

The case was presented of Richard Owens. The records of the Fire Department were produced in evidence to show that Mr. Owens had made a false statement in his application for entrance to the Department, and the Secretary was

directed to strike his name from the list of eligibles, in accordance with Section 5, Rule 3, Civil Service Statute, and to inform Mr. Owens officially of the finding.

There being no other business, the meeting adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

APRIL 16, 1897.

The Civil Service Commission met in its office, No. 115 City Hall, at 11 o'clock A. M. Present: Commissioners Clark and Adams; absent: Commissioner Waller, who was out of town.

The minutes of the previous meeting were read and approved.

On motion action was taken by the Commission, which is explained in the following copy of letter:

CHICAGO, April 16, 1897.

HON. JOSEPH KIPLEY,
General Superintendent of Police, City of Chicago.

Dear Sir: — The retirement from office, through expiration of term, of the Hon. John J. Badenoch, has left vacancies in the membership of the two executive boards organized by the Civil Service Commission to assist it in its work in connection with the Department of Police. These positions are as follows:

(1) President of the Board of Investigations, Department of Police.

The duty of this Board is to conduct investigations relative to members of the Classified Service, appointed under the rules, and after examination, and serving in the Department of Police. (See letter of the President of the Commission to the General Superintendent of Police, dated Dec. 10, 1895.)

(2) President of the Board of the Promotions, for the Department of Police.

(This board has a general supervision over all promotions in the Department, subject to the Civil Service Law and the rules of the Commission.)

The Civil Service Commission has unanimously elected you to the positions thus made vacant, and respectfully ask your acceptance of same.

Very truly yours,
[Signed.] JOHN M. CLARK,
President.

There being no further business the meeting adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

APRIL 24, 1897.

The Civil Service Commission met in its office, Room 115 City Hall. Present: Commissioners Clark and Hotz.

The minutes of the previous meeting were read and approved.

The President announced that Mr. Robert A. Waller had resigned from the Commission for the purpose of accepting the position of Comptroller, to which he had been appointed by the Mayor; that his resignation had been accepted, and that Mr. Dudley Winston had been duly appointed to fill the vacancy thus created.

Mr. Winston appeared before the Commissioners and announced that he had been sworn by the City Clerk, as required by law, and being thus duly qualified as a member of the Commission he thereupon took his seat,

The Secretary was given authority to employ Miss Sadie Taylor, 1606 Alexander Avenue, as examiner, to assist in marking papers.

There being no other business the meeting adjourned.

EDWARD J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

APRIL 30, 1897.

The Civil Service Commission of Chicago met in its office, Room 115 City Hall, on Friday, April 30, at 11 o'clock A. M. There were present Commissioners Clark, Hotz and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

The Secretary submitted the case of James T. Gleason, who, after passing the examination, was certified for appointment as a mason inspector and who is now serving on probation. The Commissioner of Public Works, in a communication dated April 27, recommends his dismissal from the service on the ground of incompetency.

Mr. Gleason appeared before the Commission in his own behalf and was given full opportunity to explain the character of service he has rendered since his appointment. Mr. G. L. Clausen, Superintendent of the Bureau of Sewers, was also questioned, and after due consideration the Commission unanimously approved the recommendation of the Commissioner of Public Works, and concurred in the dismissal of Mr.

Gleason from the service. The Secretary was instructed to certify the same to Commissioner McGann, and to notify Mr. Gleason of its action.

The Secretary presented the case of John H. Gallagher, policeman, for reinstatement to his position in the service. On investigation it appeared that after examination he was duly appointed on December 9, 1896, and that he honorably resigned said position Dec. 14, 1896. The requisition of the General Superintendent for his reinstatement being in due form, and strictly in accordance with provisions of Rule XIV, on motion of Commissioner Hotz, seconded by Commissioner Winston, the Secretary was instructed to certify Mr. Gallagher for reinstatement. The President submitted the following correspondence:

CHICAGO, April 20, 1897.

HON. C. S. THORNTON,
Corporation Counsel, City of Chicago.

Dear Sir—The Civil Service Commission is in receipt of the following communication from the General Superintendent of Police:

"I desire an opinion from your honorable board as to whether, according to your construction of the law, a member of the Police Department who has been retired after twenty years' service can be placed in active service again with the rank he held at the time he was retired. You have established the precedent, I believe, by which a member of the force who has been retired for disability and has recovered his health can be returned again to active service; but the case in point is a member of this department who was a Captain and was retired after twenty years' service, under Section 3 of the Police Pension Act, in force July 1, 1897.

"Your opinion at your earliest convenience will oblige."

A similar case, arising in the Fire Department, was submitted to the Corporation Counsel, Sept. 29, 1896. (See pages 198 and 199, Second Annual Report of the Civil Service Commission.) Assuming that the retired officer is still on the pension roll, the opinion of the Corporation Counsel would seem to be conclusive, unless there may be some difference in the ordinances creating the retired lists in the two departments.

As the precedent to be established will be an important one, the Commission respectfully asks your official opinion for its guidance in the matter.

Respectfully submitted,
[Signed.] JOHN M. CLARK,
President.

CHICAGO, April 29, 1897.

HON. JOHN M. CLARK,
President Civil Service Commission.

Dear Sir—Your letter of April 20th to the Corporation Counsel has been by him referred to me for reply. You ask whether or not a member of the Police Department who has been retired after twenty years' service can be placed in active service again with the rank he held at

the time he was retired without the examination required by the Civil Service Act, and referred to a similar case that arose in the Fire Department, which was submitted to Corporation Counsel Beale, and whose opinion in relation thereto is set forth on pages 198 and 199 of the Second Annual Report of the Civil Service Commission. I have examined the law bearing on the subject and have considered the matter carefully, and it is my opinion that such Police Officer may be so restored to active duty without examination by the Commission in the usual way. The subject is not entirely free from doubt. The Act approved April 9, 1887, Section 3, provides for retirement, which may be either voluntary or compulsory after twenty years' service. Section 4 of said Act provides for retirement on account of disability incurred in the discharge of duty. Persons so retired for disability are required by Section 7 to report to the Board of Commissioners created by said Act, at stated intervals, and are required to perform such duties in cases of emergency as the Chief of Police may direct. By the same section all persons retired for disability may be summoned at any time to appear before the Board and submit to an examination in relation to fitness for duty, and to abide the decision of the Board with reference thereto. It thus clearly appears that persons so retired for disability are to be regarded as still being members of the Police Force. It is provided by Section 7 that persons who have voluntarily retired after twenty years' service are not so required to report to the Board at intervals. I think Section 7 should, therefore, be construed as requiring persons who have been compulsory retired after twenty years' service to report at such intervals to the Board. If this be true, it is a plain inference that such persons are still to be regarded as members of the Police Force. No distinction is anywhere made, except in this one regard between persons voluntarily retiring and persons who have been retired by action of the Board. I, therefore, think that the most reasonable conclusion is that both persons who have voluntarily retired and those who have been retired by the Board are still to be considered as members of the Police Force, and if such be the case, it would seem to follow that either class of persons may be restored to their former rank without entering the active Police Service under the Civil Service Act.

Respectfully submitted,

[Signed.] GEORGE A. DUPUY,
Assistant Corporation Counsel.

Approved:
[Signed.] CHAS. S. THORNTON,
Corporation Counsel.

The unanimous decision of the Commission was that the opinion of the Corporation Counsel be adopted, but that before certifying Mr. Gallagher for reinstatement he shall be called before the Medical Board for its opinion as to his physical qualifications, and in case the report of the Board shall be favorable, that he be certified to the position formerly held by him in the service, provided a vacancy exists.

The Secretary presented a list of all expenditures made by the Commission during the month of April, as follows:

EXPENSE ACCOUNT, MONTH OF APRIL, 1897.

April 8.	Chicago Dispatch, to advertising legal notices			$ 31 14
" 15.	Chicago Telephone Co., rent of 'phone January 1st to April 1st, 1897			33 75
" 16.	White Rock Mineral Spring Co., 1 coupon book, No. 2418			3 75
" 20.	Chicago Reporting & Copying Co., to mimeographing examination sheets.			7 85
" 21.	American Paper Co., draughtsmen's paper			1 92
" 27.	Chas. Truax, Greane & Co., 3 steel tapes used by Medical Board			3 75
" 27.	A. G. Spalding & Bros., 1 jumping standard and iron bells			9 20
" 30.	Cameron Amberg & Co.:			
	Stationery	$35 03		
	Printing	97 50		
				132 53
" 30.	E. J. Phelps, Secretary:			
	Robert Jefferson, 22 days' services (placing inserts in Annual Reports)	$38 50		
	Chicago Copying and Reporting Co., (mimeographing Meat Inspectors' sheets)	1 50		
	Repairing lock and key for trunk	85		
	Expressing medical instruments to Battery D	75		
	Removing ink stains from carpet in Council Chamber	50		
	Washing towels used in police examination	2 50		
	Telegrams:			
	W. G. Atwood	25		
	W. Dobbs, N. Y.,	40		
	Emergency Hospital	25		
	H. G. Hudson	25		
	Anna Rehm	25		
	C. P. Bryan, Springfield	1 81		
	C. B. Harkness	40		
	Postage stamps	10 00		
				58 21
" 30.	Pay roll, month of April			2,891 66
				$3,173 76

The items were carefully scrutinized and on motion of Mr. Hotz were approved and ordered sent to the Comptroller for payment.

The Chief Examiner was instructed to proceed with examinations for entrance to the service in all divisions where the eligible lists are exhausted or much reduced.

There being no further business the meeting then adjourned.

E. J. PHELPS, *Secretary.* JOHN M. CLARK, *President.*

MAY 3, 1897.

The Civil Service Commission of Chicago met in its office, Room 115 City Hall, on Monday, May 3, at 11 o'clock, A. M. There were present Commissioners Clark, Hotz and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

The Secretary presented the case of patrolman Paul Kraft, together with a recommendation from the Investigating Board of the Commission in the Department of Police, that Mr. Kraft, certified by the Commission as patrolman on August 4, 1896, be dismissed from the service for immoral conduct and conduct unbecoming a police officer, in violation of Rule 67 of the Rules of the Department of Police. All the evidence in the case was fully considered.

The Secretary also presented the case of probationary patrolman Frank A. Massy, certified by the Commission on Dec. 4, 1896, whose dismissal from the service was recommended for violation of department rules 53, 58 and 76—entering places where intoxicating drinks are sold, while on duty and not in discharge of duty; absence from duty without permission; and inattention to duty.

It was moved by Commissioner Winston, and seconded by Commissioner Hotz, that the recommendation of the Investigation Board be concurred in in both the above cases, and the discharge of the force approved. The Secretary was instructed to certify the same to the General Superintendent of Police, and to notify the accused of the action taken.

The President submitted to the Commission, that it may be made a matter of record, the following official letter:

CHICAGO, May 3, 1897.

HON. CARTER H. HARRISON,
Mayor of Chicago.

Dear Sir—We have been notified verbally by Mr. Dudley Winston, our colleague in the Civil Service Commission, that it is your wish that we should tender to you our resignations.

Owing to the grave character of this request, we would have preferred that it had been made in writing, in order that no present or future question could arise as to its exact nature. Waiving that question, however, and assuming that our understanding of your request is correct (if wrong in this you have it in your power to set us right), our official duty, as we view it, requires that we respectfully decline to comply with your request, for the following reasons, among others:

First. The precedent thus established would be a bad one.

When the Civil Service Law was passed by the legislature and adopted by the people, and when we were appointed for a fixed term by your predecessor as Commissioners charged with its enforcement, the general understanding was that the position of Civil Service Commissioner was not to be regarded as a political office.

The letter of the law requires that the Commissioners shall not be all of one political party, and its spirit demands that each Commissioner shall be absolutely non-partisan in his every official act. The recent election has caused the first change in the municipal administration since the law went into effect, and if the precedent be now established that the Commissioners resign in order that the Board may be reorganized on different political lines, it would inevitably lead to the office being regarded as a political one. It could hardly help creating in the public mind a belief that the law was to be administered in the interest of the party in power, and this belief in regard to it, whether well founded or not, would seriously impair its usefulness.

The fundamental idea of the law is that all entrance to the Classified Service, and all promotions in it, shall be based upon merit, as ascertained through competitive examination; self-respecting candidates will not enter a competition if there is apparent ground for belief that it is not to be fairly conducted, nor if they believe that preference is to be given any one candidate above another for any cause except that of merit.

Second. Our relations with your Honor having at all times been friendly and courteous, we assume that our resignations are not asked for on personal grounds; we feel that we may also assume that it is because we cannot, as we view our official duty, accept as final a recent opinion of Corporation Counsel Thornton touching exemption from the Classified Service under Section 11 of the Act. We do not say that the opinion is wrong, nor do we say that a contrary opinion given by

Mr. Beale, his predecessor in the office, is right, but the fact that there is a direct conflict in two opinions of equal official weight, is evidence to us that one or the other must be wrong.

We believe that the consequences involved are of too serious a nature to the City and to the public service to justify us in following a wrong course if it be possible to find a right one. When executive officers differ in their construction of the terms of a statute, the courts alone can decide as to who is right. The question is a serious one and has long engaged the attention of the Commissioners. When Corporation Counsel Beale's official opinion was given, the Commissioners at that time were unanimous in the belief that it was in accord with the letter and the spirit of the law. The Civil Service Law is as stringent in the matter of promotions as it is in regard to entrance to the service. It requires (Section 9) that all vacancies shall "when practicable" be filled by promotion, and it confers upon such members of the next lower rank as desire to submit themselves to the right to enter a competitive examination for such promotion. If, as stated in Mr. Thornton's opinion, for instance, officers of the Police Department above the rank of lieutenant are to be regarded as not in the Classified Service, then the right thus conferred by law is to be denied them. The effect of such a construction of the law would in our opinion be an injustice to every officer of the force above the rank of sergeant, and would be disastrous to the discipline and efficiency of the department, and hence we cannot believe that such was the intent of the law.

As to the question whether it might not be desirable that the heads of some of the bureaus or minor divisions in the service should be invested with broader powers and be made heads of a principal department appointed by the Mayor and confirmed by the Council, we have not thought it our province to consider. We have regarded that as a question for those who make the law, and not for such officers as are merely charged with its enforcement. Our only duty, as we understand it, is to carry out the law as it is, and not as we, or as anyone else may think it ought to have been. The courts alone can finally decide as to the precise meaning of the language of the statute, and we renew our suggestion that it be left to their decision. We will cheerfully, so long as we remain members of the Commission, co-operate in every proper way to secure an early decision of the question at issue, and will abide by the ruling of the inferior court until the same shall be affirmed or overruled by a superior court.

The positions of bureau chiefs under the law, as construed by Mr. Beale, should be filled by promotion, if practicable. The Commission has not as a rule held examinations for promotion except to fill existing vacancies, therefore it has no eligible list from which to fill these places. This being the case it would be possible, pending the decision of the court, to fill all of them strictly in accordance with the law and rules, by men of your own selection, under authority granted in Section 10 of the Act.

We earnestly assure you that we have no desire to embarrass your administration nor to impede in any way the important work committed to your hands by the people of Chicago. Still we cannot help believing

that the plan here suggested is the only way in which the question at issue can be safely and permanently settled, and that it is to the interest of all parties that the right and speedy settlement of it should be reached.

Third. Believing, as stated above, that we are justified in declining to assist in establishing a bad precedent; and firmly believing in the right under the law of all members of the Classified Service to compete for promotion, and that that right should not be abridged nor taken from them until the question has been passed upon by the courts, we farther believe that if these things are to be done, the responsibility for doing them should rest where it properly belongs. If the law is to be construed and administered in a manner that will do violence to what we believe to be its spirit and intent, we must decline to share in any way the responsibility for it.

With the kindest feeling for you personally, and as citizens with the best wishes for the success of your administration, still believing as we do, we must respectfully decline to tender our resignations in answer to your request.

Respectfully yours,

[Signed] JOHN M. CLARK,
CHRISTOPH HOTZ,
Commissioners.

There being no other business the meeting adjourned.

EDWARD J. PHELPS, *Secretary.*

JOHN M. CLARK, *President.*

MAY 3, 1897.

The Civil Service Commission of Chicago met in its office, Room 115 City Hall, at 5 o'clock, P. M. There were present Commissioners Winston, Washburne and Kraus.

Mr. Winston announced that Mr. John M. Clark and Mr. Christoph Hotz, in pursuance with the statute, had been removed by his Honor, the Mayor; that Mr. Adolf Kraus had been duly appointed by the Mayor to fill the unexpired term of Mr. Hotz; that Mr. Hempstead Washburne had been duly appointed by the Mayor to fill the unexpired term of Mr. Clark and that these gentlemen had been sworn by the City Clerk as required by the law. Commissioners Kraus and Washburne having been thus duly qualified as members of the Commission thereupon took their seats,

On motion of Mr. Washburne, seconded by Mr. Winston, Mr. Kraus was unanimously elected President of the Commission.

There being no other business, adjournment was taken until Tuesday, May 4, at 11 A. M.

EDWARD J. PHELPS, *Secretary.* ADOLF KRAUS, *President.*

MAY 6, 1897.

The Civil Service Commission met in its office, Room 115 City Hall. Present: Commissioners Kraus, Washburne and Winston. President in the chair.

The minutes of the previous meeting were read and approved.

The resignation was presented of Dr. Joseph R. Hawley, as Secretary of the Board of Medical Examiners of the Civil Service Commission; on motion of Commissioner Washburne, seconded by Commissioner Winston, the resignation was unanimously accepted, and it was moved and unanimously carried that Dr. Edward W. Lee be appointed Secretary of the Board of Medical Examiners of the Commission.

There being no other business the meeting adjourned.

EDWARD J. PHELPS, *Secretary.* ADOLF KRAUS, *President.*

MAY 8, 1897.

The Civil Service Commission met in its office, Room 115 City Hall. Present: Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

On motion of Mr. Winston, seconded by Mr. Washburne, the following named physicians were unanimously appointed members of the Board of Medical Examiners of the Commission: Filipp Kreissl and Joseph L. Veit.

There being no other business the meeting then adjourned.

E. J. PHELPS, *Secretary.* ADOLF KRAUS, *President.*

MAY 13, 1897.

The Civil Service Commission of Chicago met in its office, Room 115 City Hall. Present: Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

The President announced that Mr. Joseph Kipley, General Superintendent of Police, had requested, in view of certain proposed changes in the Department of Police, that the Commission make an official ruling as to what positions in the said department were in the Classified Service. On motion of Mr. Winston, seconded by Mr. Washburne, it was unanimously voted that it was the sense of the Commission that all positions as Captains in the uniformed force of the said department, and all positions in the said uniformed force subordinate to Captains, be declared to be in the Classified Service.

A discussion was had as to a classification by the Commission of the positions of Assistant Chief and Inspectors in the said department. This question was taken under advisement and the Secretary was directed to notify the General Superintendent of Police that under the statute the latter was authorized to make appointments as Assistant Chief and Inspectors, there being no eligibles for these positions at present upon the list of the Commission; said appointments to be permanent should it be hereafter decided that the said positions as Assistant Chief and Inspectors are not in the Classified Service.

There being no other business the meeting adjourned on motion of Mr. Washburne.

E. J. PHELPS, *Secretary.* ADOLF KRAUS, *President.*

MAY 18, 1897.

The Commission met in its office at 11 o'clock A. M. There were present Commissioners Kraus, Washburne and Winston, the President being in the chair.

At the request of the Commission the Hon. Joseph Downey, Ex-Commissioner of Public Works, appeared in the matter of the request of one Bernard McMahon for reinstatement as Coal Weigher at the Lake View pumping station.

Mr. Downey said in substance that he knew of said McMahon being Weighmaster at the said station, at which place one Fred. D. Parker was Chief Engineer; that the said McMahon, having discovered, as he thought, discrepancies in the amount of coal delivered the said Parker, as Chief Engineer of said station, reported the said discrepancies to the Civil Service Commission, but subsequently reported the matter to him (Downey), whereupon Mr. Downey said he (McMahon) had made a mistake and should have brought the matter to him (Downey) in order that he might have put spotters in the pumping works to verify the statements; that the said McMahon also said that he had informed said Parker that he would make such complaints, and thereby the opportunity to detect the fraud, if any, was lost; that subsequently the Civil Service Commission recommended his discharge because of his inability to prove his charge.

Mr. Downey further stated that he was not asked, nor did he appear at any time before the Civil Service Commission in this case, and that, in his opinion, McMahon believed the charge to be true as made by him, and thought he was simply seeking to do his full duty by the City in filing the charges, and that from his knowledge of the facts as Commissioner of Public Works, he (Downey) believed an injustice had been done to said McMahon. The Commissioners, therefore, examined the records in the case of Mr. McMahon, whose discharge was approved by the Civil Service Commission on April 15, 1897, and found that the records of the Board did not disclose any charge against said McMahon, nor a finding that he was guilty of delinquency or misconduct, and for that reason it was ordered that he be and is hereby reinstated.

E. J. PHELPS, *Secretary.* ADOLF KRAUS, *President.*

MAY 24, 1897.

The Civil Service Commission, of Chicago, met at its room, No. 115 City Hall. Present: Commissioners Kraus, Washburne and Winston; the President in the chair.

The minutes of the previous meeting were read and approved.

It was moved by Mr. Washburne, and seconded by Mr. Winston, that a rule of the Board be adopted classifying the employees of the City, and that those officials who, by the opinion of the Board to the Mayor, bearing date May 22, 1897 (a copy of which letter is herein inserted) are exempted from the Classified Service, and also all officials named on Pages 91 and 92 of the Second Annual Report of the Civil Service Commission, are and be excepted from the Classified Service under Section 11 of the Civil Service statute; and that all other officers and employees are, and the same are hereby declared to be, in the Classified Service.

There being no other business the meeting adjourned.

JAMES S. ROGERS, *Acting Secretary.* ADOLF KRAUS, *President.*

MAY 27, 1897.

The Civil Service Commission of Chicago met in its office, Room 115 City Hall, at 11 A. M. Present: Commissioners Kraus, Washburne and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

On May 21, 1897, the resignation of Edward J. Phelps, Chief Examiner and Secretary of the Commission, was received and accepted.

On May 25, 1897, Mr. John M. Glenn was placed in nomination, and receiving the unanimous vote of all the members of the Commission, was declared duly elected to the position of Chief Examiner and Secretary, at the rate of compensation provided by law.

The Secretary reported that an examination for Messengers was duly advertised according to law and was held at the time and place as advertised, and that at such examination 90 applicants were examined and 68 applicants passed. Also that an examination for Milk Inspectors was duly advertised according to law and was held at the time and place as advertised, and that at such examination 58 applicants were examined and that 38 applicants passed. On motion of Commissioner Winston it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible lists and that their names be entered in the books kept for that purpose.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that an examination be held for Gas Lamp Inspectors on June 11, 1897, and that the fact that such an examination will take place shall be advertised according to law; also that an examination be held for candidates for the labor service on June 17, 1897, and to continue from day to day until all candidates have been disposed of whose applications are filed up to and including June 5.

Commissioner Winston moved that candidates for various examinations who had been rejected by the Medical Board of the Commission on account of physical disqualifications and who have made complaint, alleging that private physicians disagreed with the finding of the Medical Board, be given a re-examination on filing an affidavit of a reputable physician to the effect that the disability claimed did not exist. The motion was adopted.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

MAY 28, 1897.

The Civil Service Commission met in its office, Room 115 City Hall, at 11 o'clock A. M., Friday, May 28, 1897. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the last meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that examinations be held for Chief Clerks and Secretaries, Tax Expert, Special Assessment and Real Estate Clerks, Expert Clerks Bureau of Engineering, Recorders of Deaths, Miscellaneous Special Clerks, License Clerks, Book-keepers, Accountants, Cashiers, and Assistant Cashiers, on the 12th day of June, 1897, and that the fact that such examinations will take place shall be advertised according to law.

The following rule proposed by Commissioner Kraus was adopted on motion of Commissioner Winston:

When it becomes necessary to reduce the force in the Labor Service on account of lack of work, insufficient appropriation or other necessary cause, any employee laid off shall have the right to demand a written statement from the head of the Bureau or Department with

which he has been connected, setting forth whether his service has been satisfactory and conduct good; and if it has been satisfactory, then, on presentation of such statement at this office the name of the employee will be retained on the eligible list, provided it is presented within thirty days from the date of separation.

Any person who has not been appointed through Civil Service examinations will not be reinstated, but will be required to take an examination if he desires to enter the service again.

In the matter of Henry A. Bowron, who had been examined for Paving Inspector and transferred to the Water Bureau and dismissed on account of lack of work, and wanted a ruling as to which eligible list his name belonged, it was decided that it should be placed on the list of eligibles for Paving Inspectors.

In the matter of Charles B. Hitchcock, applicant for Patrolman, who applied for re-examination by the Medical Board, the Secretary was directed to notify him to appear before the Board Tuesday, June 1, at 1 o'clock, P. M.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

May 29, 1897.

The Civil Service Commission met in its office, Room 115 City Hall, Saturday, May 29, 1897, at 11 o'clock A. M. There were present Commissioners Kraus, Washburne, and Winston. The President being in the chair.

The minutes of the previous meeting were read and approved.

On motion of Mr. Winston, it was decided to allow applicants for examination for the Police Department, who furnished a good excuse for their inability to attend the physical examination upon the day they had been notified to present themselves, an opportunity to appear before the Medical Board and take an examination.

In the matter of James Ver Haar, certified for the position of Foreman of Water Pipe Extension, May 25, 1897, and discharged as Assistant Foreman May 27, by Acting City

Engineer Erickson, the Commission directed the Secretary to withdraw the certification of Mr. Ver Haar's name to the Department of Public Works.

There being no other business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLPH KRAUS, *President.*

June 1, 1897.

The Civil Service Commission of Chicago met in its office, Room 115 City Hall at 11 o'clock A. M. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

On motion of Commissioner Winston, it was ordered by the unanimous vote of the Commission, that examinations be held for Mechanical Engineers, Grades 1 and 2, on June 15, 1897, Elevator Operators on June 17, 1897, Building Inspectors on June 18, 1897, Police Telephone Operators on June 19, 1897, and that the fact that such examinations will take place shall be advertised according to law.

The Secretary presented a list of all expenditures made by the Commission during the month of May, as follows:

EXPENSE ACCOUNT, MONTH OF MAY, 1897.

May 1.	J. M. W. Jones Printing Co.:			
	Litho. heads	$ 15 00		
	Memo. Heads	7 00		
				$ 22 00
" 1.	E. J. Phelps:			
	100 eight-cent stamps	$ 8 00		
	100 two-cent stamps	2 00		
				10 00
" 12.	Chas. Truax, Greene & Co.:			
	¼ pound nitric acid	$ 0 15		
	¼ pound lig. potassa	15		
	1 nest test tubes	9		
	1 pound alcohol	42		
	12-ounce alcohol lamp	20		
	1 Haines test	50		
	⅓ dozen steel tapes	4 00		
				5 51
" 12.	E. J. Phelps, Secretary:			
	9000 No. 5 two-cent stamped envelopes, at $21.00 per thousand	$196 20		
	1000 No. 8 two-cent stamped envelopes	23 00		
	1 oak table (Tobey & Co.)	9 50		
				228 70

May 24.	E. J. Phelps, Secretary, 21 days' services		$ 169 37
" 30.	Richard Hubbard, to 46 days' services as Janitor, Battery D, during police and fire examination, from April 7 to June 1, as per agreement, at $2.00 per day		92 00
" 30.	Cameron, Amberg & Co.:		
	Stationery	$ 71 34	
	Printing	257 25	
	Postage	50 00	
			378 59
" 30.	Pay Roll, month of May		3,303 79
	Total		$4,209 96

The items were carefully scrutinized and on motion were approved and ordered sent to the Comptroller for payment.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JUNE 3, 1897.

The Civil Service Commission met in its office, Room 115 City Hall, at 11 o'clock A. M. Present: Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that examinations be held for

Patrol Drivers on June 18, 1897.
Smoke Inspectors on June 19, 1897.
Rate Takers on June 22, 1897.
Assistant Water Assessors on June 22, 1897.
Water Inspectors on June 22, 1897.

and that the fact that such examinations will take place shall be advertised according to law.

In the matter of Walter Crowe, who had passed an examination for Electrical Engineer some time ago, and who was charged by a Committee representing the National Association of Stationary Engineers with not being a licensed engineer at the time of his taking the examination, the case was set for hearing at this office at 11 o'clock A. M., Monday, June 7, 1897, and the Secretary was directed to notify the parties interested.

In the matter of Daniel T. Keohane, whose name was stricken from the list of eligibles for Mining Inspectors July 31, 1896, under the provisions of Rule 3, Section 6, Mr. George R. English appeared before the Board as the attorney of Mr. Keohane and requested that the previous action be reconsidered. The Secretary was requested to get the papers in the case from the files, and to procure a written statement from Mr. R. A. Waller.

On motion of Mr. Winston, the Secretary was ordered to notify the various heads of departments that in order to give the City employees an opportunity to be examined, an examination would be held in the Council Chamber in the City Hall at 12:30 o'clock P. M., June 5, for City employees who had filed applications for the general clerical examinations at the Hyde Park High School, which is to be held on the same day, the questions in each examination to be the same. The Secretary was also directed for the same reason to notify the heads of departments that an examination would be held at 12:30 o'clock, June 12, in the Council Chamber, for City employees desiring to take the special examination for that date at the Hyde Park High School, the same rule to obtain as in the previous case.

It was also decided that applicants for the special clerical examination of June 12 could be examined for one or more of the various positions included in that examination.

In the matter of Clarence C. Barchard, whose name was stricken from the list of eligibles for patrolmen, the Commissioners fixed Wednesday, June 9, at 11 o'clock A. M., as the time for hearing the case, and directed the Secretary to notify the parties interested.

There being no other business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JUNE 7, 1897.

The Civil Service Commission met in its office, Room 115 City Hall, at 11 o'clock A. M. There were present: Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved,

The complaint of the Stationary Engineers, setting forth that Walter W. Crowe did not have an engineer's license at the time he was examined for Library Engineer in November, 1896, was taken up. Mr. Crowe had been notified to be present at 11 o'clock but did not appear. John Weyker and Ernest Hart, representing the National Association of Stationary Engineers, No. 1, of Chicago, made a statement claiming that while Mr. Crowe afterward procured a license he did not have one at the time of the examination. Mr. Winston offered the following resolution:

WHEREAS, It is apparent from the evidence that Mr. Crowe did not have a license as a stationary engineer at the time he was examined; therefore, *Be it Resolved:* That the name of Walter W. Crowe be dropped from the list of eligibles.

It was decided to take up the case of John J. Sullivan, formerly connected with the Police Department, Friday, June 11, at 11 o'clock A. M.

There being no other business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JUNE 9, 1897.

The Civil Service Commission met in its office, Room 115 City Hall, there being present Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

The following rule, proposed by Commissioner Kraus, was adopted on motion of Commissioner Winston, seconded by Commissioner Washburne:

Any police officer, whose record as such officer is good and who was discharged without cause and without a trial, may re-enter the police service of the City if he succeeds in passing the prescribed examination, and as to such applicants the following rules are adopted:

1st. The age limit for such officers shall be 45 years, except for such as have been in the police service of the City for 10 years or more, and for such the age limit shall be 50 years.

2d. Each applicant must be at least 5 feet 8 inches in height. The chest measurements prescribed by the rules may be disregarded provided at least two of the Medical Examiners will certify that the applicant is physically competent to perform the duties of a patrolman.

3d. Any such applicant suffering with any disability produced or suffered while on duty as a police officer of the City, shall not, on that account, be excluded from passing the physical examination, provided

such disability is not of such nature as to entirely disable him from duty. And for such applicants there shall be kept, after they pass an examination, a special eligible list, and they shall have the preference over all others for such positions on the force as their physical condition will permit them to properly fill.

4th. Police officers so restored on the eligible list shall be credited with whatever time they may have theretofore served the City, the same as if they had not been severed from the service; they shall, however, all re-enter the service as patrolmen, but in examination for promotion anyone who has so been restored to the service may enter such examination for the position he had theretofore held in the service, or for a position one grade higher.

In the matter of Daniel Keohane, whose name was stricken from the list of eligibles for Mining Inspectors, July 31, 1896, and who requested that the previous action of the Board be reconsidered it was decided not to open the case, but to notify Mr. Keohane that he could take such examinations for admission to the service as he saw fit.

In the matter of Clarence C. Barchard whose name was stricken from the register of eligibles on account of charges which had been preferred against him while he was a member of the police force, the case was called and John Novak, who had made the charges before the Police Trial Board in February, 1894, after notification by mail, did not appear. The Board directed the Secretary to restore Mr. Barchard's name to the list of eligibles for patrolmen.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JUNE 10, 1897.

The Civil Service Commission met in its office, Room 115, City Hall, at 11 o'clock A. M. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that examinations be held for

Sub-Corporation Inspectors on June 24, 1897,
Material Inspectors on June 25, 1897,
Mason Inspectors on June 25, 1897,
Custodians of Stolen Property on June 25, 1897,

and that the fact that such examinations will take place shall be advertised according to law.

The Secretary made the following report of examinations, duly advertised according to law, and held at the time and place advertised:

Guards, House of Correction,	33 examined,	18 passed.
Asst. Engineers, Fire Department,	66 "	22 "

On motion of Commissioner Washburne it was ordered by the Commission, all the Commissioners voting in the affimative, that the names of those who passed be posted on the eligible lists, and entered on the books kept for that purpose.

In the matter of James Ver Haar, who was discharged by the Commissioner of Public Works as Assistant District Foreman, and who filed a request for an investigation, it was decided to set the case for 11 o'clock A. M., June 16, and the Secretary was instructed to notify the people concerned.

Commissioner Washburne proposed the following amendment to Section 2 of Rule 9, which was adopted:

"Provided, however, that such officer or employee file a written statement requesting an investigation within three days after the date of his separation."

There being no other business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JUNE 11, 1897.

The Civil Service Commission met in its office, Room 115 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that examinations be held for

Paving Inspectors,
Sidewalk Inspectors,
Police Matrons, and
Street District Foremen on June 26, 1897;
Meat Inspectors on June 30, 1897;

and that the fact that such examinations will take place shall be advertised according to law.

The case of Ex-Detective Sergeant John J. Sullivan, of 512 Warren Avenue, applicant for reinstatement on the police force, dismissed on charge of soliciting a bribe, was taken up for consideration.

After Captain Campbell had read the police records and Inspectors Schaack, Shea, Fitzpatrick and Hunt had testified that they had not voted for dismissal at the Police Trial Board, Ex-Chief Badenoch stated that he had exercised his prerogative of reviewing the action of the Trial Board in dismissing Mr. Sullivan. In concluding his testimony Mr. Badenoch stated:

"I feel that all humanity is liable to err; our decision may have been in error and if it was it was a grievous penalty to this man. So far as I am concerned I would recommend to this Board a new trial to Mr. Sullivan. Even if guilty he did not take money—he simply solicited it. I would be glad to have him reinstated if possible."

After a consultation of the Commissioners President Kraus made the following statement:

"It seems from this investigation that upon the trial of Mr. Sullivan not one of the Trial Board recommended that he be discharged, that one voted not guilty, that others voted suspension from ten to thirty days. That in spite of this finding the Chief made use of his prerogative and discharged him. He now recommends that he may be reinstated, if it can be done, thinking that he has been more than sufficiently punished if he has been guilty at all. This Board is not going into the question as to whether or not he was guilty. The majority of the Board that tried him say that the only reason they voted for him to be suspended was that he was careless and should have known better. They all believe that his record prior to that was good. This Board cannot reinstate anyone who has been in the employ of the City, excepting those who were appointed under the Civil Service Commission. This man was not; therefore, the only question which this Commission can consider is whether it will permit him to re-enter the service under another examination. The judgment is that he be permitted to take another examination, and if he pass he shall be treated under the rule just adopted, crediting him with time served and making him eligible for examination to position of sergeant."

There being no further business the meeting adjourned.

JOHN M. GLENN,
Secretary.

ADOLF KRAUS,
President.

JUNE 25, 1897.

The Civil Service Commission of Chicago met in its office, Room 115 City Hall, at 11 o'clock A. M. Present: Commissioners Kraus and Winston. The President in the chair.

The minutes of the last meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that examinations be held for

Curbstone Inspectors,
Sewer Pipe Inspectors and
Water Pipe Inspectors on July 9, 1897;
Plumbing Inspectors,
House Drain Inspectors,
Street Opening and Obstruction Inspectors and
Tenement Inspectors on July 10, 1897;

and that the fact that such examinations will take place shall be advertised according to law.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JUNE 30, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that examinations be held for

Medical Inspectors on July 13, 1897,
Elevator Inspectors on July 14, 1897,
Electric Light Inspectors on July 14, 1897,
Library Clerks on July 16, 1897,

and that the fact that such examinations will take place shall be advertised according to law.

The Secretary presented the list of all expenditures made by the Commission during the month of June, as follows:

EXPENSE ACCOUNT, MONTH OF JUNE, 1897.

Cameron, Amberg & Co., stationery and printing,	$ 438 19
Jas. S. Rogers, expense account, attending the various examinations held during the month of June	233 98
White Rock Mineral Spring Co.	7 50
Chicago Dispatch, advertising	21 12
Edna Dickinson, mimeograph work	108 60
Evelyn Watkins, services as examiner	33 00
John Elliott, express charges	10 50
Bradner Smith & Co., blank paper	3 20
J. M. W. Jones Co., stationery	9 12
Clohesey & Co., printing	17 00
A. R. Barnes & Co., printing	5 25
John F. Higgins, printing	46 50
Goodyear Rubber Co., rubber bands	2 70
Pay Roll for month of June	3,875 16
	$4,811 82

The items were carefully scrutinized and on motion were approved and ordered sent to the Comptroller for payment.

There being no other business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JULY 6, 1897.

The Civil Service Commission of Chicago met in its office, 415 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus and Washburne. The President being in the chair and Commissioner Winston absent on account of illness.

The minutes of the previous meeting were read and approved.

The President announced that Mr. Winston had been reappointed to be his own successor as Civil Service Commissioner for a full term of three years, beginning July 1, 1897, and Mr. Winston having taken the oath of office before the City Clerk, this official recognition of his renewed membership in the Commission is made a matter of record.

In the matter of George W. Ford, 4553 Wabash avenue, discharged from the Sixty-eighth street Pumping Station Jan. 5, 1897, and who filed a petition requesting that the

Board investigate his case, the Secretary was directed to write to Granville Kimball, of Kankakee, who was the Chief Engineer of the said station at that time, and secure his statement.

In the matter of John McNulta, 131 Emerson avenue, who was a mason inspector and discharged in June, 1896, by Commissioner Kent, it was decided after reading the record, found on page 199 of the Second Annual Report, not to reopen the case.

In the matter of Nathan W. Kelly, 3152 Dearborn street, who filed a petition that his name be restored to the eligible list of the Police Department, it was directed that the Secretary write to Captain Campbell, Secretary of Police Department, and ascertain his record.

In the matter of James Ver Haar, who had been certified for appointment as district foreman in the Water Pipe Extension Bureau, and against whom charges have been filed, it was decided after a full hearing of the case, at which defendant was present, that his name should be stricken from the register of eligibles for the reason that it was shown on investigation that while he was employed by the city as assistant district foreman he had been absent from duty during working hours.

Mr. Washburne introduced the following order:

Ordered, that for the purpose of obtaining more efficient Medical Inspectors the city be devided into three sanitary districts, as follows, each district to have a separate eligible list:

District No. 1. The territory north of the Chicago River and east of the North Branch—3 Medical Inspectors.

District No. 2. The territory west of the North Branch and north and west of the South Branch—4 Medical Inspectors.

District No. 3. The territory south of the Chicago River and east of the South Branch—3 Medical Inspectors.

Ordered further that in the examinations for Medical Inspectors each candidate shall state for which district he desires to be examined, and that his residence must be in the district for which he desires to become an inspector. A removal from the district for which he has passed an examination shall be cause for his separation from the service in that district.

There being no further business the meeting adjourned.

JOHN M. GLENN,
Secretary.

ADOLF KRAUS,
President.

JULY 7, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus and Washburne, the President in the chair. Mr. Winston absent on account of illness.

Minutes of previous meeting were read and approved.

In the matter of Thomas P. Breen, formerly a member of the Fire Department and rejected by the doctors in October, 1895, on account of physical disability in the left hand, sustained while in the service of the city as truckman in Hook and Ladder Company No. 1, the Secretary was directed to accept his application for pipeman or truckman, and notify the Medical Board not to take into consideration in passing on his case the disability of his hand.

There being no other business, the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JULY 13, 1897.

The Civil Service Commission of Chicago met in its office, Room No. 415 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that examinations be held for Stenographers on July 27, 1897,
Dump Foremen on July 28, 1897,
Purchasing Agent on Aug. 3, 1897,
Fumigators on Aug. 3, 1897,
Mechanical Engineers (Grade 5) on Aug. 4, 1897,
and that the fact that such examinations will take place shall be advertised according to law.

The Secretary made the following report of examinations duly advertised according to law, and held at the time and place advertised:

	Examined.	*Passed.*
Plumbers	22	20
Hostlers	19	14
Gas Lamp Inspectors	71	46
Blacksmiths' Helpers	16	15
Promotion to Lieutenants, Fire Department	95	33

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JULY 26, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that examinations be held for

Architects and Draughtsmen on Aug. 9, 1897,
Assistant Civil Engineers on Aug. 10, 1897,
Coal Testers on Aug. 20, 1897,

and that the fact that such examinations will take place shall be advertised according to law.

The Secretary made the following report of examinations, duly advertised according to law and held at the time and place advertised:

	Examined.	*Passed.*
Drivers, Fire Department	52	13
Draughtsmen, Bureau of Maps	30	10
Arc Lamp Repairers	4	4
Arc Lamp Trimmers	44	31
Linemen, aerial	18	13
Linemen, undergound	2	none
Blacksmiths	48	46
Calkers	50	50
Gas Fitters	2	2
Ward and Street Inspectors	270	231
Milk Testers	6	3

On motion of Commissioner Winston it was ordered by the Commission, all the Commissioners present voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered on the books kept for the purpose.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JULY 31, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

The following letters are hereby made a matter of record:

JULY 19, 1897.

TO THE HONORABLE, THE MEMBERS OF THE BOARD OF EDUCATION,
CHICAGO, ILLINOIS:

Gentlemen—The Civil Service Commission desires to call your attention to the Civil Service Law. Section 11 of that Act sets forth which officers and employees shall not be included in the Classified Service. It excludes from such service "members of any Board of Education, the Superintendent and Teachers of Schools." The Act excludes no others who come under your jurisdiction. We believe that Assistant Superintendents and Principals of School should be classed as Teachers, but that all other of your employees, such as Clerks, Janitors, Engineers, etc., are included in the Classified Service of the City. The maxim "*expressio est unius est exclusio alterius*" is surely applicable to the construction of this statute. The express mentioning of the members of the Board, the Superintendent and Teachers, as exempt from the Classified Service surely excludes all others not mentioned from such exemption.

The Commissioners have carefully read the opinions heretofore furnished by attorneys holding that your employees do not come under the jurisdiction of the Civil Service Commissioners. We are, however, clearly of the opinion that all of the employees not specifically exempt by statute come within our jurisdiction.

Respectfully yours,

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

JULY 23, 1897.

HON. ROBERT A. WALLER,
Comptroller:

Dear Sir—Herewith is the roll of the Street and Alley Cleaning Bureau for the half month ending July 15, 1897. Inasmuch as the City Council has passed an ordinance, on June 28, providing that the following officials shall be designated as "heads of principal departments": City Engineer, Superintendent of Streets, Superintendent of Water, Superintendent of Sewerage or Sewers, Superintendent of Special Assessments, Superintendent of Water Pipe Extension, Superintendent of City Pipe Yards, Secretary of the Police Department, Assistant Superintendent of the Police Department, fifteen Captains of Police, four Inspectors of Police, Chief Sidewalk Inspector, Assessor of Water Department, District Foreman of Street Repairs, District Foreman of Water Pipe Extension, District Foreman of Sewer Cleaning, District Foreman of Street Cleaning, and providing that they shall be nominated by the Mayor and confirmed by the Council. Inasmuch as the Law Department has interpleaded in the suit now before the Supreme Court, to be settled in October next, the Civil Service Commission have not the

authority to certify, but it is their opinion that the Comptroller is justified in paying the salaries of the above officers pending the settlement of the controversy. Hereafter, where the names of the officials referred to appear on the pay-rolls, such rolls will be approved except as to the officials hereinbefore mentioned.

Yours truly,

JOHN M. GLENN, *Secretary.* DUDLEY WINSTON, *Commissioner.*

The Secretary presented the list of all expenditures made by the Commission during the month of July, as follows:

EXPENSE ACCOUNT, MONTH OF JULY, 1897.

Cameron, Amberg & Co., stationery and printing,	$ 120 53
Clohesey & Co., printing	59 50
Chicago Dispatch, advertising	70 00
Jas. C. Oram & Co., stationery	5 00
White Rock Mineral Spring Co	3 75
James S. Rogers, expense account, attending the examinations during the month of July, and postage	287 55
Kirchner, Meckel & Co., blank paper	3 00
Richard Hubbard, janitor services at Battery D during June and July	84 00
Pay-roll month of July	4,058 48
	$4,691 81

The items were carefully scrutinized and on motion were approved and ordered sent to the Comptroller for payment.

There being no other business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

AUGUST 13, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, August 13, at 11 o'clock A. M. There were present Commissioners Kraus and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

The Secretary made the following report of examinations duly advertised according to law and held at the time and place advertised:

	Examined.	*Passed.*
Clerks, Grade 1 and 2	1,006	759
Assistant Water Assessors	23	19
Rate Takers	57	25
Building Inspectors	131	25

	Examined.	*Passed.*
Mechanical Engineers, Grades 1 and 2	119	49
Pipemen and Truckmen	471	154
Special Assessment, Tax Expert and Real Estate Clerks	109	19
Expert Clerks, Bureau of Engineering	3	none.
Recorders of Deaths	18	6
Miscellaneous Special Clerks	310	270
Accountants	72	61
Book-keepers	102	95
License Clerks	65	51
Cashiers and Assistants	79	70
Elevator Men	118	78
Skilled Laborers	1,770	1,499
Unskilled Laborers	3,293	2,274

On motion of Commissioner Winston, it was ordered by the Commission, all the Commissioners present voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered in the books kept for the purpose.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

AUGUST 27, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

The Secretary made the following report of examinations duly advertised according to law and held at the time and place advertised :

	Examined.	*Passed.*
Police Telephone Operators	249	42
Smoke Inspectors	48	14
Sub-Corporation Inspectors	52	5
Water Inspectors	269	177

On motion of Commissioner Winston it was ordered by the Commission that the names of those who passed be posted on the eligible lists and entered on the books kept for that purpose.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

AUGUST 31, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 11 o'clock A. M.

There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that an examination be held for Structural Iron and Bridge Workers, on the 13th day of September, 1897, and that the fact that such an examination will take place shall be advertised according to law.

The Secretary presented the list of all expenditures made by the Commission during the month of August, as follows:

EXPENSE ACCOUNT FOR THE MONTH OF AUGUST, 1897.

Cameron, Amberg & Co., stationery and printing	$ 291 51
Chicago Dispatch, advertising	26 41
L. Merk, repairing combination on vault	1 50
White Rock Mineral Spring Co	3 75
Jas. S. Rogers, expense account, attending the various examitions at Hyde Park High School	76 90
Mary D. Spalding, services as examiner	21 00
H. Bartlett Lindley, services as examiner	18 00
Chicago Duplicator Co., machine and supplies	79 30
Mary Bacon, services as examiner	90 00
J. M. Glenn, expense account (witness and mileage fees)	13 55
Pay Roll for August	4,267 83
	$4,889 75

The items were carefully scrutinized and on motion were approved and ordered sent to the Comptroller for payment.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

SEPTEMBER 2, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 11 o'clock A. M. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that an examination be held for Street Opening and Obstruction Inspectors on the

23d day of September, 1897, and that the fact that such an examination will take place shall be advertised according to law.

The Secretary made the following report of examinations, duly advertised according to law and held at the time and place advertised.

	Examined.	*Passed.*
Mason Inspectors	73	31
Paving "	168	33
Sidewalk "	193	23
Material "	38	5
Mechanical Engineers, Grade V	43	19

On motion of Commissioner Washburne it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered on the books for that purpose.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

SEPTEMBER 7, 1897.

The Civil Service Commission of Chicago met in its office, Room No. 415 City Hall, at 11 o'clock A. M. Present: Commissioners Kraus, Washburne and Winston, the President being in the chair.

The minutes of the previous meeting were read and approved.

Reports having been brought to the Civil Service Commissioners that John Doe, also known under another name, which other name is, however, not known to the Commissioners, an examiner appointed by the Commissioners, had been guilty of soliciting a bribe as such examiner, and that John Doe agreed in consideration of the payment of such a bribe to falsely, fraudulently and corruptly mark an applicant for Civil Service examination, and it further appearing to the satisfaction of the Commissioners that one Henry Lutzenkirchen, secretary to the Commissioner of Public Works, had aided in the circulation of such reports, and the Commissioners being further informed that said Lutzenkirchen claimed to have evidence in his possession tending to show

that such examiner, whose real name is unknown to the Commissioners, had been guilty of such an offense, Mr. Washburne, one of the Commissioners, introduced the following resolution:

It is hereby ordered that the Commission shall investigate, in accordance with Section 14 of the Civil Service Act, the action of one John Doe, an examiner appointed by the Commissioners, which said John Doe is also known under another name, which other name, however, is unknown to the Commission, and the action of the other examiners appointed by this Commission under said Civil Service Act, and the enforcement of the Commissioners' rules and of said Act, and that the Commission issue their subpœna for Henry Lutzenkirchen, commanding him to appear forthwith before the Commission and testify in the matter of the investigation of said John Doe, examiner, and of the investigation of the action of said other examiners and of the enforcement of said rules and of said Act.

This resolution was unanimously carried.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

SEPTEMBER 9, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 11 o'clock A. M. Present: Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

The following report of proceedings in the case of Henry Lutzenkirchen, secretary to the Commissioner of Public Works, was sent to Commissioner L. E. McGann:

SEPTEMBER 9, 1897.

HON. L. E. MCGANN,
Commissioner of Public Works:

Dear Sir—The Commissioners were informed, upon what they considered good authority, that Mr. Lutzenkirchen, your secretary, stated that one of the examiners employed by the Commission solicited a bribe from a party undergoing an examination, and that Mr. Lutzenkirchen had an affidavit to that effect.

Upon hearing of this, the Commissioners ordered an investigation of their office and subpoenaed Mr. Lutzenkirchen to appear before them. When he appeared he was requested by the Commissioners to inform them whether he knew of anyone employed by the Commissioners who

had demanded a bribe, or, if he did not, whether he had ever made the statement that he did know. He declined to answer on the ground that no written complaint was lodged before the Commissioners against anyone, and, therefore under the law, he could not be compelled to answer.

Without going into the question of the legal right of Commissioners to compel him to answer, it is sufficient to say that the Commissioners were and are of the opinion that, as an employee of the city, it was his duty towards the administration and towards the people of this city whom the Commissioners represented in that behalf, to either aid the Commissioners in finding the guilty party, if such a one exists, in order to have him punished, or, if he did not know of any such party, to say so. Upon looking up the records of the Department, it was found that permission was granted you on June 15, under the 60 day rule, to appoint Mr. Lutzenkirchen. The Commissioners were unanimously of the opinion that it was proper to withdraw that permission, and so notified you. Since then our attention has been called to the fact that in our opinion, rendered on May 22, we held the position which he occupies as exempt from the Classified Service, together with other positions, for reasons given in that opinion, and that the order of June 15, granting permission to appoint him, was only given for the purpose of protecting the Comptroller in case the Supreme Court should decide that he belonged to the Classified Service. Under those circumstances, the Commissioners find that they have no jurisdiction to make the order dismissing him, for the reason that his office was not in the Classified Service, and, therefore, withdraw the letter of September 7 regarding his case.

You will please consider this letter as a report to you by the Commission of Mr. Lutzenkirchen's actions before the Commission, so that you may act in the premises as you may think proper.

Very truly yours,

ADOLF KRAUS,
President.

It was decided to institute proceedings by the Commission against Henry Lutzenkirchen in the Circuit Court under authority given by Sec. 33 of the Civil Service Act.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

SEPTEMBER 10, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 11 o'clock A. M. Commissioners Kraus and Winston present, Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered on the books kept for that purpose.

In the case of A. E. Knight, a time-keeper, charged with incompetency by the Department of Public Works, the decision of the Commission was that he be ordered restored to the eligible list, the charge of incompetency not having been proven to its satisfaction.

In the cases of L. A. Newby and John Holst, water rate takers, also charged with incompetency, the finding of the Commission was that they be restored to their positions.

In the case of R. A. Leavell, the Commission, after a full hearing of the case, at which the defendant was present, sustained the charges made by the Department and concurred in his discharge for incompetency as a window clerk in the Water Bureau.

There being no other business the meeting adjourned.

DUDLEY WINSTON, *Acting Secretary.* ADOLF KRAUS, *President.*

SEPTEMBER 24, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, on Friday, September 24, 1897, at 11 o'clock A. M. Present: Commissioners Kraus and Winston, Commissioner Washburne being absent.

The minutes of the last meeting were read and approved.

On motion of Commissioner Winston, the following rule of the Commission—Rule 19, Section 3, which reads:

REGISTERS ACCORDING TO DISTRICTS. The Commission may, if the needs of the service seem to require, divide the City into districts and make separate registers of laborers residing in each of such districts. The Commission may change such districts at any time, and such registers may be consolidated into one or more registers.

was altered and amended as follows:

That in reference to the labor eligibles, excepting skilled labor now posted in the official ledgers, all averages shall be obliterated and every laborer on such list shall be given an average mark of 100 and

that in accordance with their legal residentships, they shall be divided into eighteen districts, as follows:

1st	District	shall comprise the	1st and 2d Wards.
2d	"	"	3d, 4th, 5th and 6th Wards.
3d	"	"	7th, 8th and 9th Wards.
4th	"	"	11th, 16th, 17th, 18th and 19th Wards.
5th	"	"	12th Ward.
6th	"	"	14th and 15th Wards.
7th	"	"	27th and 28th Wards.
8th	"	"	20th, 21st, 22d, 23d and 24th Wards.
9th	"	"	25th Ward.
10th	"	"	29th Ward.
11th	"	"	30th Ward.
12th	"	"	31st Ward.
13th	"	"	32d Ward.
14th	"	"	33d Ward.
15th	"	"	34th Ward.
16th	"	"	26th Ward.
17th	"	"	13th Ward.
18th	"	"	10th Ward.

And, whereas, it is provided by Section 10 of the Civil Service Act, that the Commission may provide by rule that laborers shall be selected by lot, it is, therefore, ordered that hereafter laborers shall be selected by lot from the eligible list.

The Secretary was directed to advertise this rule in the official paper of the City of Chicago for two weeks, and also to compile 18 labor registers in accordance with the above ruling.

There being no further business the meeting adjourned.

DUDLEY WINSTON, *Acting Secretary.* ADOLF KRAUS, *President.*

SEPTEMBER 28, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, at 11 o'clock A. M., Tuesday, September 28, 1897. Present Commissioners Kraus, Washburne and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

In the case of Frank W. West, milk inspector in the Health Department, charged with inattention to duty and carelessness in his work, the Commission, after a full hearing at which the defendant was present, sustained the charges of the department and Mr. West's discharge was ordered.

In the case of Charles Clarke, window clerk in the Water Office, the charges of incompetency were not sustained by the Commission, and the Commissioner of Public Works was directed to restore Clarke to his position.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

SEPTEMBER 29, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, on Wednesday, September 29, 1897, at 11 o'clock A. M. Present: Commissioners Kraus, Winston and Washburne. The President in the chair.

The minutes of the previous meeting were read and approved.

The following rule was proposed by Commissioner Winston and was adopted by the unanimous vote of the Commission:

Unskilled labor shall hereafter be divided into four classes, as follows:

CLASS 1: BUREAU OF ENGINEERING—

Pipe Yards,	Water Pipe Extension,
Pumping Stations,	Bridge Repairs,
Water Works Shops,	Cribs,
Mason Helpers,	Painters' Helpers,
Blacksmiths' Helpers,	Oilers on Fire Plugs.
Machinists' Helpers,	

BUREAU OF WATER—

Leak and Waste men,	Shut-off men,
Laborers, Shut-off Dept.,	Laborers, Assessors' Dept.,
Laborers, Permit Dept.,	Laborers, Meter Dept.

BUREAU OF STREETS—

Laborers in Lamp Dept.,	Street Repair Men.

CLASS 2: All laborers in Bureau of Streets, except Street Repair and Lamp Department laborers.
All laborers in Bureau of Streets and Alley Cleaning.

CLASS 3: All laborers in Bureau of Sewers, Construction, Repairing and Cleaning.

CLASS 4: All laborers in Police Department.
All laborers in Fire Department.
All laborers in Electrical Department.

And there shall hereafter be only four lists of unskilled laborers, one for each of the foregoing classes.

The following rule was proposed by Mr. Washburne and adopted by a unanimous vote:

Whenever the name of an eligible has been certified by the Commission, the head of the department to which the name of the eligible has been sent must report to said Commission within five days from the time of certification, whether such person has been put to work, and if not, to give the reasons therefor in writing. In case such report is not made within the specified time, the person holding the position for which the eligible has been certified, shall be marked on the books of the Commission as not entitled to pay from the City after the date of such certification.

There being no other business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

SEPTEMBER 30, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, at 11 o'clock A. M., Thursday, September 30, 1897. Present, Commissioners Kraus, Washburne and Winston, the President being in the chair.

The minutes of the previous meeting were read and approved.

Bids were opened for the eighteen labor registers for which the Commission asked a number of firms to make proposals. The bids were as follows:

P. F. Pettibone & Co.	$ 73 50
J. M. W. Jones & Co.	62 00
George E. Marshall & Co.	42 50
Cameron, Amberg & Co.	35 00

The Secretary was directed to give the work to Cameron, Amberg & Co., they being the lowest bidders.

The Secretary presented the list of all expenditures made by the Commission during the month of September, as follows:

EXPENSE ACCOUNT FOR THE MONTH OF SEPTEMBER, 1897.

Cameron, Amberg & Co., stationery and printing	$ 142 27
Chicago Dispatch, advertising	8 98
Pay Roll for September	3,594 58
	$3,745 83

The items were carefully scrutinized, and on motion were approved and ordered sent to the Comptroller for payment.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

OCTOBER 5, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, at 11 o'clock A. M., Tuesday, October 5, 1897. Present: Commissioners Kraus, Washburne and Winston, the President being in the chair.

Minutes of the previous meeting were read and approved.

The case was presented of Frank Siddall, a clerk in the Water Office, who was charged with incorrectly working assessors' checks, making it necessary to line out and mutilate the books, and also in making water bills erroneously. After hearing the witnesses the Commission decided to certify Mr. Siddall to some other department.

The case was presented of Mr. S. W. Fuller, also a clerk in the Water Office, who was charged with being exceedingly slow in his work and in making out bills indistinctly. After hearing all the witnesses the Commission decided to replace Mr. Fuller's name on the eligible list from which he was originally certified, and certify him to some other department.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

OCTOBER 13, 1897.

The Civil Service Commission met at its office, Room 415 City Hall, Wednesday, October 13, 1897, at 3 o'clock P. M. Present: Commissioners Kraus, Washburne and Winston; the President in the chair.

Minutes of the previous meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that an examination be held for Pages on the 2d day of November, and that the fact that such an examination will take place shall be advertised according to law.

The Commissioners reviewed the evidence in the case of Charles Bendell, who had a hearing before the Board September 10. The evidence tended to show that Mr. Bendell, as inspector of streets and alleys, had permitted, within the district over which he was inspector, a certain alley and the garbage boxes there, for at least the length of one entire block, to remain in a filthy condition for an unreasonable length of time; also that in another place a garbage box at a tenement house had been permitted to remain in a filthy condition for an unreasonable length of time. As to the garbage box being left in a filthy condition, the Commissioners found the preponderance of evidence against the complainant, but as to the alley the Commissioners found the preponderance of evidence against Bendell, and by a majority vote the department was sustained, and it was ordered that Bendell be discharged.

The case of Lumley Ingledew, a window clerk in the Water Office, who was charged with incompetency, was presented. After listening to the testimony of the witnesses in the case, the Commission were unanimously of the opinion that the department was justified in suspending Mr. Ingledew, he not having made the proper entries in the books, but at the same time were of the opinion that Mr. Ingledew did not have sufficient opportunity and should have another trial by the department.

The case was next presented of George DeHaven, an assistant permit clerk in the Street Department, who was charged by Superintendent M. J. Doherty with incompetency, on the ground that he was behind in his work upon the books. DeHaven appeared for trial, at which the charges brought by Mr. Doherty were corroborated by other witnesses. The Commission, after a full hearing, took the matter under advisement and sustained the action of the department.

The case of Otto Couert, decided October 12, is hereby made a matter of record. Mr. Couert, a tenement inspector, in the Department of Health, was charged by Dr. A. R. Reynolds, the head of that department, with continued failure to make out reports according to instructions, and with sending notices to citizens to clean out privies already cleaned, and accepting presents from scavengers, and in violation of orders. Mr. Couert admitted that he received a hat as a

present from a contractor. The Commission were unanimously of the opinion that while Mr. Couert may have been absolutely honest and intended to do what was right, and that he may have acted only in a spirit of thoughtlessness, yet they could not countenance such conduct on his part, and for that reason alone sustained the action of the department.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

OCTOBER 14, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 3 P. M. Present: Commissioners Kraus, Washburne and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

On motion of Commissioner Winston, it was unanimously voted that the rules adopted June 9, 1897, concerning the examination of former members of the Police Department be amended as follows: "Each applicant must be at least five feet seven inches in height."

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

OCTOBER 21, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, Thursday, October 21, 1897, at 11 o'clock A. M. Present: Commissioners Kraus, Washburne and Winston; the President in the chair.

Minutes of the last meeting were read and approved.

The cases were presented of Charles F. Sundell and of Charles A. Eddy, clerks in the Water Office, who were charged by Superintendent Felix Lang with slowness and general incompetency. After listening to detailed evidence as to the charges against them, both defendants being present, the judgment of the Commission was that they both be transferred to other departments.

The case was next presented of Fred. L. Hand, a draughtsman in the Water Office, who was charged by Superintendent Felix Lang with being late in arriving at the office in the

morning. According to the testimony of Mr. Lang, nearly every morning Mr. Hand arrived at the office seven or eight minutes late. Mr. Lang further stated that the Chief Draughtsman had repeatedly spoken to Mr. Hand about it. Mr. Hand testified that the train which he took to bring him to the office was often delayed, which fact was corroborated by the testimony of other witnesses. On the promise of Mr. Hand to take an earlier train in the future, the judgment of the Commission was that Mr. Hand stand suspended for thirty days, then be taken back to work.

The case was next presented of Joseph H. Campbell, an assistant engineer at the Seventy-third Street Pumping Station, who was charged by Superintendent F. E. Davidson with sleeping during working hours and being negligent in his duties. After several hearings of the case, at which Campbell was present, and during which many witnesses on both sides were examined, the Commission, upon due consideration of the evidence, decided to sustain the Department and suspended Campbell for sixty days, from October 19, 1897.

The case was next presented of J. W. Ebersol, a sub-paving inspector employed in the Street Department, who was charged by Chief Engineer Wheelock with accepting work from a contractor which was not done according to specifications. It appeared to the Commission from the evidence presented in the case that the inspector was in no wise negligent and that he had done his full duty, and for that reason the Commission ordered that Mr. Ebersol be reinstated.

The case of John M. Myers, decided on October 19, is hereby made a matter of record. Mr. Myers was charged by Superintendent F. E. Lang, of the Department of Public Works, with being absent for several days without leave, etc. Myers claimed he was absent owing to sickness caused by an assault made by robbers upon him. It was also shown that on the day Myers was assaulted, and prior to such assault he entered saloons and drank beer freely. The Commission decided to sustain the action of the Department and suspended Mr. Myers until December 1, after which date he was to be taken back to his former position as a rate taker.

There being no further business the meeting adjourned.

J. M. GLENN,
Secretary.

ADOLF KRAUS,
President.

OCTOBER 22, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 11 o'clock A. M. Commissioners Kraus, Washburne and Winston present. The President in the chair.

Minutes of the previous meeting were read and approved.

The Secretary made the following report of examinations duly advertised according to law and held at the time and place advertised:

	Examined.	*Passed.*
Patrolmen	1657	878
Electric Light Inspectors	26	10
Police Matrons	149	90
Dump Foremen	41	34
Structural Iron Workers	28	28

On motion of Commissioner Washburne it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered on the books kept for that purpose.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

OCTOBER 23, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, on Saturday, October 23, 1897, at 11 o'clock A. M. Present: Commissioners Kraus, Winston and Washburne. President Kraus in the chair.

The minutes of the last meeting were read and approved.

On motion of Mr. Winston, the districts provided for in Section 3 of Rule 19 were changed as follows:

DISTRICTS

1st....Wards 1 and 2.	11th....Ward 10.
2d .... " 3, 4 and 5.	12th.... " 14.
3d .... " 6 and 7.	13th....Wards 13 and 15.
4th....Ward 8.	14th.... " 20, 21 and 22.
5th.... " 9.	15th.... " 23 and 24.
6th....Wards 11 and 12.	16th.... " 25 and 26.
7th....Ward 16.	17th.... " 27 and 28.
8th.... " 17.	18th.... " 30, 31 and 32.
9th.... " 18.	19th.... " 33 and 34.
10th.... " 19.	20th....Ward 29.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

OCTOBER 26, 1897.

The Civil Service Commission met in its office, Room 415 City Hall, Tuesday, October 26, 1897, at 11 o'clock A. M. Present: Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the last meeting were read and approved.

The case was presented of David B. Bird, engineer at the Kensington pumping station, who had been suspended under charges of having been absent from duty at the time of a serious accident to the engine. Mr. Bird urged in defense of the charge extenuating circumstances, the truth of which were not denied. After hearing all the evidence, the Commission decided that Bird should be suspended for thirty days and then be re-assigned to duty.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

OCTOBER 30, 1897.

The Civil Service Commission of Chicago met in its office, Room 415 City Hall, at 11 o'clock A. M., Saturday, October 30, 1897. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

The Secretary presented a list of all expenditures made by the Commission during the month of October, as follows:

EXPENSE ACCOUNT FOR THE MONTH OF OCTOBER, 1897.

Cameron, Amberg & Co., stationery and printing	$ 124 04
Chicago Dispatch, advertising	70 24
Chicago Duplicator Co., supplies	4 30
White Rock Mineral Spring Co.	11 25
Pay Roll for October	2,901 71
	$3,111 54

The items were carefully scrutinized, and on motion were approved and ordered sent to the Comptroller for payment.

There being no other business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 3, 1897.

The Civil Service Commission met in its office, Room 400 City Hall, Tuesday, November 3, 1897, at 11 o'clock A. M. Present: Commissioners Kraus, Winston and Washburne. The President in the chair.

The minutes of the last meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that examinations be held for Fumigators on November 17, 1897, and for Telephone Operators on November 18, 1897, and that the fact that such examinations will take place shall be advertised according to law.

The case was presented of Edward Morf, an inspector of house drains in the Sewer Department. Mr. Morf was charged by Superintendent F. E. Davidson with allowing house drains to be laid in a manner not according to specifications. Mr. Morf was present and admitted that the work was not done in accordance with specifications, but justified his conduct on the ground that under previous administrations of the city government he had been instructed to do the work in the same way that he did it this time. The Commission being satisfied that the work had been improperly done by Mr. Morf, sustained the action of the Sewer Department and suspended Mr. Morf until January 1st, 1898. There was no evidence that Mr. Morf was guilty of improper connivance with contractors, or dishonesty.

The case of Charles F. Owen, which has had several hearings before the Commission, is hereby made a matter of record. On October 13th Mr. Owen, who was assistant engineer at the 14th street pumping station, was charged by the City Engineer, Mr. John Ericson, with "mechanical malpractice and failure to report trouble." Among other things, Owen was charged with the reckless use of a sledge hammer in starting the engine. After several hearings, at which Mr. Owen was present and at which witnesses on both sides were examined, the Commission took the case under advisement and on November 2d decided that the Department of Public Works was to be sustained in its charges, and Owen was dismissed from the service.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 4, 1897.

The Civil Service Commission met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus, Winston and Washburne present, President Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that an examination be held for Mechanical Engineers, Grade 3, on the 24th day of November, 1897, and that the fact that such an examination will take place shall be advertised according to law.

The Secretary made the following reports of examinations, duly advertised according to law and held at the time and place advertised:

	Examined.	*Passed.*
Library Clerks	277	76
Coal Testers	14	3
Street Opening and Obstruction Inspectors	100	20
Glaziers	17	14

On motion of Commissioner Winston it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered on the books kept for that purpose.

In the matter of requests from various departments to withdraw reports of separation, Commissioner Washburne moved that the Secretary be directed to not authorize the withdrawal of any reports of separation, except as to men who had obtained their positions through Civil Service examination. The motion was unanimously adopted.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 9, 1897.

The Civil Service Commission of Chicago met in its office, Room No. 400 City Hall, at 3 o'clock P. M. Present: Commissioners Kraus, Winston and Washburne, Commissioner Kraus occupying the chair.

NOVEMBER 3, 1897.

The Civil Service Commission met in its office, Room 400 City Hall, Tuesday, November 3, 1897, at 11 o'clock A. M. Present: Commissioners Kraus, Winston and Washburne. The President in the chair.

The minutes of the last meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that examinations be held for Fumigators on November 17, 1897, and for Telephone Operators on November 18, 1897, and that the fact that such examinations will take place shall be advertised according to law.

The case was presented of Edward Morf, an inspector of house drains in the Sewer Department. Mr. Morf was charged by Superintendent F. E. Davidson with allowing house drains to be laid in a manner not according to specifications. Mr. Morf was present and admitted that the work was not done in accordance with specifications, but justified his conduct on the ground that under previous administrations of the city government he had been instructed to do the work in the same way that he did it this time. The Commission being satisfied that the work had been improperly done by Mr. Morf, sustained the action of the Sewer Department and suspended Mr. Morf until January 1st, 1898. There was no evidence that Mr. Morf was guilty of improper connivance with contractors, or dishonesty.

The case of Charles F. Owen, which has had several hearings before the Commission, is hereby made a matter of record. On October 13th Mr. Owen, who was assistant engineer at the 14th street pumping station, was charged by the City Engineer, Mr. John Ericson, with "mechanical malpractice and failure to report trouble." Among other things, Owen was charged with the reckless use of a sledge hammer in starting the engine. After several hearings, at which Mr. Owen was present and at which witnesses on both sides were examined, the Commission took the case under advisement and on November 2d decided that the Department of Public Works was to be sustained in its charges, and Owen was dismissed from the service.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 4, 1897.

The Civil Service Commission met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus, Winston and Washburne present, President Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that an examination be held for Mechanical Engineers, Grade 3, on the 24th day of November, 1897, and that the fact that such an examination will take place shall be advertised according to law.

The Secretary made the following reports of examinations, duly advertised according to law and held at the time and place advertised:

	Examined.	*Passed.*
Library Clerks	277	76
Coal Testers	14	3
Street Opening and Obstruction Inspectors	100	20
Glaziers	17	14

On motion of Commissioner Winston it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered on the books kept for that purpose.

In the matter of requests from various departments to withdraw reports of separation, Commissioner Washburne moved that the Secretary be directed to not authorize the withdrawal of any reports of separation, except as to men who had obtained their positions through Civil Service examination. The motion was unanimously adopted.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 9, 1897.

The Civil Service Commission of Chicago met in its office, Room No. 400 City Hall, at 3 o'clock P. M. Present: Commissioners Kraus, Winston and Washburne, Commissioner Kraus occupying the chair.

and abusive language to associate officers in the institution. After the examination of Mr. Darst, and of several witnesses who testified to the truth of the charges, the Commission decided that Mr. Darst be dismissed for the good of the service.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 16, 1897.

The Civil Service Commission met in its office, Room 400 City Hall, at 11 o'clock A. M., November 16, 1897.

Present: Commissioners Kraus, Winston and Washburne, the President in the chair.

Minutes of the last meeting were read and approved.

The case was presented of George A. Webster, clerk in the Water Office, who was charged by Superintendent Felix Lang with incompetency on the ground that he was unreasonably slow in making out water bills. Mr. Webster stated in his own defense that the work of the office which was expected of him had never been fairly explained to him. After hearing all the witnesses in the case, the Commission decided that Mr. Webster should be given a further trial of ten days without pay and thus be allowed to prove his efficiency.

In the matter of A. J. Sweeney, who had been working in the office of the Civil Service Commission as clerk and was laid off, it was moved by Mr. Washburne and seconded by Mr. Winston, that Mr. Sweeney's name be placed on the eligible list of second grade clerks, in accordance with resolutions passed by the Board November 29, 1896.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 17, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3.30 P. M. Present: Commissioners Kraus, Winston and Washburne; President Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that examinations be held for Civil Engineers (Grade VI) on December 6, 1897; Draughtsmen on December 7, 1897; and that the fact that such examinations will take place shall be advertised according to law.

Commissioner Washburne moved, as an amendment to Rule VIII of the Rules of the Civil Service Commission, that "No examination papers and no examinations shall be subject to review by the Civil Service Commission or any of its members, after posting of the eligible lists." The motion was seconded by Commissioner Winston and the rule was adopted by unanimous vote.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 19, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus, Winston and Washburne present; President Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

Commissioner Washburne proposed the following rule and moved its adoption:

Any former member of the Fire Department who has been discharged may file an application for examination, provided his application is accompanied by a written recommendation from the Chief of the Fire Department.

1st. The age limit for such applicant shall be 40 years, except for such as have been in the service of the city for the period of 10 years or more, and for such the age limit shall be 45 years.

2d. Each applicant must be at least 5 feet 7 inches in height. The chest measure prescribed by the rules for new applicants may be disregarded, provided that at least two of the medical examiners certify that the applicant is physically competent to perform the duties of the position applied for.

3d. Any such applicant suffering from any disability produced or sustained while on duty as a member of the Fire Department shall not, on that account, be excluded from passing the physical examination, provided such disability is not of a nature to disable him from duty,

and for such applicants there shall be kept, after they pass the examinations, a special eligible list, and they shall have preference over all others for such positions on the force as their physical condition will permit them to fill.

4th. And for applicants who have had experience in the Fire Department there shall be kept a separate eligible list, and in making requisition the Chief of the Fire Department shall have the right to designate from which list he desires certification.

Commissioner Winston seconded the motion and the rule was adopted by unanimous vote.

Commissioner Winston proposed that Section 11, Rule IV, be amended as follows, and moved that the same be adopted:

Any applicant who has passed an examination or been enrolled upon a register of eligibles shall not be again examined for the same branch of the service until one year from the date of such enrollment, and then only upon withdrawing his name from the register of eligibles and filing a new application.

Commissioner Washburne seconded the motion and the amendment was adopted by unanimous vote.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary,* ADOLF KRAUS, *President.*

NOVEMBER 24, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus and Washburne present. The President in the chair.

Minutes of the previous meeting were read and approved.

The Secretary reported that an examination for Medical Inspectors was duly advertised according to law and was held at the time and place as advertised, and that at such examination 54 applicants were examined and 10 passed.

On motion of Commissioner Washburne it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible list and entered in the book kept for that purpose,

The case was presented of Henry J. Fritsch, who was certified as a guard to the House of Correction and his name returned by the Superintendent, who considered him incompetent for the reason that during the time that he had

previously been employed as a guard at the House of Correction he had returned to a prisoner a sharp knife that had been taken from the latter by the authorities. Notification accordingly was given Fritsch for a hearing before the Board November 17, and at his request postponed until November 24, at which time he also failed to appear. The Commissioners having listened to the testimony of the witnesses, ordered the action of the Superintendent sustained and that Mr. Fritsch's name be stricken from the eligible list.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 27, 1897.

The Civil Service Commission met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus, Winston, and Washburne present; President Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Winston, it was ordered, by the unanimous vote of the Commission, that examinations be held for Machinists and Machinists' Helpers on the 13th day of December, and that the fact that such examinations will take place shall be advertised according to law.

Commissioner Winston proposed the following:

WHEREAS, It appears that Sophie J. Schukraft, No. 357 South Hermitage Avenue, was examined for the Library Service July 16, 1897, and passed with an average of 78.39, and

WHEREAS, It appears that she was not 20 years of age at the time she filed her application, and the Secretary of this Commission did not post her name among the list of eligibles, and

WHEREAS, She became 20 years of age November 24, 1897, therefore, be it

Resolved, That the Secretary of the Commission be directed to place the name of Sophie J. Schukraft, No. 357 South Hermitage Avenue, on the register of eligibles for the Public Library Service.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

NOVEMBER 30, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 11 o'clock A. M., Wednesday, November 30, 1897. There were present Commissioners Kraus, Washburne and Winston. The President in the chair.

The minutes of the previous meeting were read and approved.

The Secretary presented the list of all expenditures made by the Commission during the month of November, as follows:

EXPENSE ACCOUNT FOR THE MONTH OF NOVEMBER, 1897.

Cameron, Amberg & Co., stationery and printing	$ 182 34
Chicago Directory Co.	7 50
Chicago Duplicator Co., supplies	4 15
Congress Construction Co., shelving vault and partition	15 00
J. M. Glenn, expense account for moving in room 400 City Hall	13 90
Filing suit vs. Board of Education	10 00
John Elliott, express charges	4 00
Postage, 10,000 2-cent stamped envelopes and 2-cent stamps	387 20
Mark L. Sullivan, services as examiner	30 00
Jos. McGoorty, " " "	12 00
A. W. Simpson, " " "	50 00
Mary D. Spalding, " " "	24 00
H. Bartlett Lindley, " " "	36 00
Sarah C. Taylor, " " "	12 00
Helen H. Mitchell, " " "	9 00
Dietrich Helberg, janitor service, Board of Education	2 00
George W. Doolittle, janitor service, Jones School	2 00
Board of Education (expenses for various examinations held at Hyde Park High School)	24 78
Pay roll for November	3,008 00
Discharge pay roll	136 50
	$3,970 37

The items were carefully scrutinized, and on motion were approved and ordered sent to the Comptroller for payment.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 3, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M., Commissioners Kraus, Winston and Washburne present. Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Washburne it was ordered, by the unanimous vote of the Commission, that examinations be held for

Patrolmen on Dec. 18, 1897,
Timekeepers on Dec. 22, 1897,

and that the fact that such examinations will take place shall be advertised according to law.

The following letter is hereby made a matter of record:

DECEMBER 1, 1897.

HONORABLE CARTER H. HARRISON,
Mayor:

DEAR SIR—In reply to your two inquiries, as to whether the names of all city employees appear on the books of the Civil Service Commission, and as to whether those books are open to public inspection, the Commissioners answer, "Yes."

No city employee's name is certified to on the pay-roll unless it appears upon our books, and the Comptroller does not pay them without the certificate of this Commission. Our books also show under what system each person has been appointed, and any reputable person can, at any time during office hours, inspect those books in our department if he so desires. This has always been the practice of the Commission.

It is proper to state, however, that the Commissioners have no record of the employees of the Board of Education and will not have the names of such employees until that body recognizes the decree lately rendered, or until a final decree is rendered.

Very truly yours,

ADOLF KRAUS,
DUDLEY WINSTON,
HEMPSTEAD WASHBURNE,
Commissioners.

Attorney Thomas L. Hartigan, representing David McCarthy, Jeremiah Griffin, Bryan B. Fleming, Wm. B. Rooney, James A. Blake, Peter W. Larkin, Jos. C. Smith and Andrew D. Lange, appeared before the Board and read an argument contending that the Board had no authority to direct the General Superintendent of Police to discharge his clients. He based his argument on Section 12 of the statute. The Commission rendered no decision, but took the matter under advisement.

It was moved by Commissioner Winston, and seconded by Commissioner Washburne, that the money expended by the attorneys representing the Board in the mandamus case before the Supreme Court, for printing, car fare, etc., be refunded to them. It was carried by unanimous vote.

Commissioner Winston proposed the following amendment to Section 8, Rule 4, "That questions for examinations for positions where technical knowledge is required shall be submitted for approval to the head of the department of that branch of the service for which the examination is held, before being approved by the Commission." The amendment was carried by unanimous vote.

In the matter of Nels F. Miller, discharged by the Superintendent of the Bureau of Sewers for incompetency shown in the work to which he was assigned, who had a hearing, at which he was present, before the Board, November 30th, the judgment of the Commission is that the department be sustained, and that Miller's name be put back at the head of the list of first grade engineers.

In the matter of Herman Stultze, discharged by the Superintendent of the Bureau of Sewers, through mistake, on the charge of incompetency, the Commission orders that Stultze be taken back and that the charges be withdrawn.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

December 13, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 12 o'clock M., Commissioners Kraus, Winston and Washburne present; Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that examinations be held for—

Stone and Cement Inspectors on December 28, 1897,
Coal Weighers on December 30, 1897,
Electrical Inspectors on January 4, 1898,
Boiler Washers on January 6, 1898,
Cooks on January 10, 1898,
Yardmen on January 10, 1898,
Rammers on January 12, 1898,

and that the fact that such examinations will take place shall be advertised according to law.

Bids for printing the Annual Report of the Commission, submitted by the following named firms, were opened and considered:

Geo E. Cole & Co.	declined to bid.
W. B. Conkey Company	$960 00
P. F. Pettibone & Co. (More or less, per page, $2.10.)	923 25
John F. Higgins	960 00
Cameron, Amberg & Co. (More or less, per page, $2.50.)	900 00

Mr. Winston moved that Cameron, Amberg & Co., being the lowest bidders, be awarded the contract. The motion carried by unanimous vote.

As the law allows only a per diem payment of examiners, the Secretary was directed to notify Dr. Edward W. Lee by letter that his payment in future would be limited to that allowed other medical examiners, viz., $5.00 per day, for actual service performed.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 13, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M. Present: Commissioners Kraus, Winston and Washburne, Commissioner Kraus occupying the chair.

Commissioner Winston presented the resolution as follows:

"*Resolved*, That no per diem to members of the Medical Board shall be allowed except for actual services performed."

The resolution was unanimously adopted.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 19, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 1 o'clock P. M. Present: Commissioners Winston and Washburne; Commissioner Winston occupying the chair.

The minutes of the previous meeting were read and approved.

Commissioner Washburne moved that the examination for entrance to the police force then being conducted be continued from day to day until finished, at the hour of 4 o'clock P. M. The motion was seconded by Commissioner Winston and carried unanimously.

The Secretary reported that an examination for Fumigators was duly advertised according to law, and was held at the time and place as advertised, and that at such examination 105 applicants wers examined and 48 passed. On motion of Commissioner Washburne it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible list and entered in the book kept for that purpose.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 20, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus, Winston and Washburne present. Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

Commissioner Washburne moved that an examination for Patrolmen be held January 11, 1898, and that the same be advertised at once, said examination to take the place of the examination previously advertised for January 3, 1898, and to be subject to the following specifications:

1. Each applicant taking the above examination who has heretofore served in the said department and who has been separated from the said department by resignation or discharge without proven charges against him will receive, if his police record has been good, in addition to the average allowed him at such general examination, as follows:

1st. Five points for such applicant's one year's service.
2d. Ten points for such applicant's two years' service.
3d. Fifteen points for such applicant's three years' service.
4th. Twenty points for such applicant's four years' service.
5th. Twenty-five points where such applicant has served five years or more in the department.

2. The age limit for such applicants as have served upon the police force of the City of Chicago shall be 45 years, except for such as have been in the police service of the city for ten years or more, and for such the age limit shall be 50 years.

3. Each applicant must be at least 5 feet 8 inches in height. The other measurements prescribed by the rules for applicants may, in case applicant heretofore served upon the police force of the city, be disregarded, provided that at least two of the medical examiners will certify that such applicant is physically competent to perform the duties of a patrolman.

The motion was seconded by Commissioner Winston and carried unanimously.

Commissioner Washburne moved that the examination for entrance to the police force then being conducted be adjourned until the following day at the same hour, viz.: 4 o'clock P. M., in accordance with the motion of December 19, made at the close of the examination that date, "to adjourn from day to day until finished." The motion was seconded by Commissioner Winston and carried unanimously.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

CHICAGO, December 24, 1897.

The Civil Service Commission of Chicago met in its office, Room 400, City Hall, at 11 o'clock A. M. Present: Commissioners Kraus, Winston and Washburne, Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

In the matter of Arnold T. Tripp and Thos. Fagan, inspectors in the Water Bureau, who had a hearing, both being present, before the Civil Service Board, December 7th, charged with having solicited a bribe, and the case taken under advisement for investigation, the Commission found them not guilty and ordered them taken back to work.

In the matter of B. C. Clark, window clerk in the Water Office, charged with being too slow and making errors in bills, who had a hearing, at which he was present, before the Civil Service Board, December 21st, the judgment of the Commission was that he should stand suspended until January 1st and then be taken back to work.

Commissioner Washburne moved that an examination be ordered for Police Captains, to take place on January 10, 1898, at 9 o'clock A. M., in Room 400, City Hall; for Lieutenants, at the same place and hour on January 11, 1898, such examinations to continue from day to day until finished; and that promotional examinations be held at the same place and hour for Patrolmen to be Desk Sergeants, on January 12th, and for Patrolmen to be Patrol Sergeants, on January 13, 1898, said examinations to continue from day to day until finished, and that the said examinations be advertised according to law. Commissioner Winston seconded this motion, and on vote the same was carried unanimously.

Commissioner Winston presented the following resolution:

WHEREAS, It appears to the Commissioners to be impracticable to hold examinations for Police Captains and Lieutenants above referred to as a promotional examination, therefore

BE IT ORDERED, That the examinations for Captains and Lieutenants above provided for, shall be original entrance examinations.

This resolution was adopted by unanimous vote.

The Secretary made the following reports of examinations duly advertised according to law and held at the time and place advertised:

	Examined.	*Passed.*
*Patrolmen	2321	....
Machinists	20	16
Machinists' Helpers	42	37

On motion of Commissioner Winston, it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered on the books kept for that purpose.

There being no further business, the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 27, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M. Present: Commissioners Kraus and Winston, Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

*Examination not completed.

It appearing that the examination for Stone and Cement Inspectors, called for 9 o'clock A. M., December 28th, would work a hardship and injustice to those on the eligible list for Sidewalk Inspectors; and it appearing, also, that the questions prepared for the examination practically covered the same ground as the questions used at the examination of Sidewalk Inspectors, it was moved by Commissioner Winston that the Secretary be directed to indefinitely postpone the examination called for Stone and Cement Inspectors. The motion carried.

Commissioner Winston then offered the following resolution, which was adopted:

WHEREAS, The examination for Chief Clerks, held June 12, 1897, seems to be impracticable, in that it was general and not conducted with a view to testing the qualifications of the candidates for any particular department, and

WHEREAS, It is believed that better results can be obtained from a separate examination held for the position of Chief Clerk in each department, therefore be it

Resolved, That the examination for Chief Clerks, of June 12, 1897, is hereby declared annulled, and that the Secretary be directed to hold examinations for the position of Chief Clerk in each department.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 28, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 11 o'clock, A. M. Present: Commissioners Kraus, Winston and Washburne, Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that an examination be held for City Engineer, on the 13th day of January, 1898, and that the fact that such an examination will take place shall be advertised according to law.

The Secretary made the following report of examinations duly advertised according to law, and held at the time and place advertised:

	Examined.	*Passed.*
Fumigators	105	48
Mechanical Engineers, Grade 4	65	35
Special Assessment Clerks	178	25
Street District Foremen	81	10

On motion of Commissioner Washburne it was ordered by the Commission, all the Commissioners voting in the affirmative, that the names of those who passed be posted on the eligible lists and entered on the books kept for that purpose.

Commissioner Washburne offered the following resolution:

WHEREAS, Charles S. Thornton, Esq., Corporation Counsel, has given a written opinion to the Commission in which he holds that the order of November 9th, concerning the following named patrolmen, M. G. Connell, David McCarthy, Bryan B. Fleming, James A. Blake, Patrick C. Loftus, Jeremiah Griffin, William Rooney, Peter W. Larkin, Joseph C. Smith, Richard Swan and Andrew D. Lange, is illegal, for the reason that none of the parties were served with notice of any hearing; therefore be it

Resolved, That the action of the Board concerning the order of withdrawal of the certification of the said patrolmen above named be and the same is hereby rescinded.

This resolution was adopted by unanimous vote.

There being no further business the meeting adjourned.

J. M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 29, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus, Winston and Washburne present, Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

The following resolution was proposed by Commissioner Winston, and was adopted by unanimous vote:

WHEREAS, The various heads of departments have from time to time, apparently to improve the efficiency of the service, transferred persons who were in office at the time the Civil Service law went into effect from one position to another, therefore be it

Resolved, That, in all cases where such hold-overs have been transferred from one department or bureau to another department or bureau, or from one position to another in the same department or bureau, such persons may be assigned to the positions they held when the Civil Service law became operative, provided such action does not displace persons who have obtained their positions through examinations held by the Civil Service Commission.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 30, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 11 o'clock A. M. Present: Commissioners Kraus, Washburne and Winston. The President in the chair.

Minutes of the previous meeting were read and approved.

Commissioner Washburne moved that the action of the Commission of December 24, 1897, ordering examinations for Police Captains, Lieutenants, Desk Sergeants and Patrol Sergeants be rescinded on account of the opinion received from Corporation Counsel Thornton, based upon the recent decision of the Supreme Court, that examinations for Police Captains, etc., must be promotional and not original entrance. Commissioner Winston seconded this motion, and on vote the same was carried unanimously.

On motion of Commissioner Winston it was ordered, by the unanimous vote of the Commission, that promotional examinations be held in the Department of Police as follows:

Lieutenants to be Captains.....January 14, 1898,
Patrolmen to be Desk Sergeants....January 17, 1898,
Patrolmen to be Patrol Sergeants...January 18, 1898,

and that the fact that such examinations will take place shall be advertised according to law.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 30, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus, Winston and Washburne present, Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

Written complaint having been filed against David McCarthy, Bryan B. Fleming, James A. Blake, Patrick C. Loftus, Jeremiah Griffin, William Rooney, Peter W. Larkin, Joseph C. Smith, Andrew D. Lange and M. G. Connell, members of the Police Department, that they were permitted to take an examination contrary to the rules of the Commission, and that, therefore, their certification to the Police Department as Patrolmen was void and that they were men of

immoral character, it was ordered that they be notified to appear for trial on Tuesday, January 4, 1898, at 11 o'clock A. M. Superintendent of Police Kipley having notified the Commission that the said officers would appear at his office to be re-sworn on this day, the Commissioners thereupon went to the office of the Superintendent of Police and the following officers appeared to be re-sworn as patrolmen: David McCarthy, Bryan B. Fleming, James A. Blake, Patrick C. Loftus, Jeremiah Griffin, Peter W. Larkin, Joseph C. Smith and M. G. Connell (8). After they were so re-sworn as patrolmen the Commission read to them the charges filed against them and notified each of them to appear for trial on Jan. 4. The Superintendent thereupon immediately suspended them pending investigation.

There being no further business the meeting adjourned.

JOHN M. GLENN, *Secretary.* ADOLF KRAUS, *President.*

DECEMBER 31, 1897.

The Civil Service Commission of Chicago met in its office, Room 400 City Hall, at 3 o'clock P. M. Commissioners Kraus, Winston and Washburne present, Commissioner Kraus occupying the chair.

The minutes of the previous meeting were read and approved.

The Secretary presented the list of all expenditures made by the Commission during the month of December, as follows:

EXPENSE ACCOUNT, MONTH OF DECEMBER, 1897.

Moran, Kraus & Mayer, appearance fees in Supreme Court...	$ 10 00
Mr. Holden's expenses to Springfield	13 25
Telegrams	3 53
Telephone toll to Springfield	4 75
Expressage, briefs to Springfield	40
Mr. Mayer's trip to Springfield	8 75
Printing briefs	118 00
Stenographer's fees	16 88
Marshall Field & Co., office furnishings	8 38
Schlesinger & Mayer, " "	90 15
J. M. Glenn, expense account, witness fees	4 70
Superior Court costs in matters of Blake vs. Civil Service Commission	11 00
Postage	38 20
Pay roll for December, 1897	3,706 07
	$4,034 06

The items were carefully scrutinized, and on motion were approved and ordered sent to the Comptroller for payment.

The following resolution was proposed by Commissioner Kraus, and was adopted on motion of Commissioner Winston:

WHEREAS, It seems fitting that persons in Class A, Division F, who have had experience, should be given favorable consideration for their experience, therefore be it

Resolved, That in computing the averages of candidates in the examination held for Fire Drivers, November 4, 1897, the Secretary be directed to allow 10 points to those who have had experience in the Fire Department of the City of Chicago.

The following resolution was presented by Commissioner Winston, and was adopted on vote of Commissioners Washburne and Winston, Commissioner Kraus not voting on account of the fact that two of the gentlemen named in the resolution were members of the same firm of attorneys:

WHEREAS, In order to have the Civil Service Law properly construed, it was necessary for the Commission to employ counsel to represent it in the mandamus proceedings in the Supreme Court, in which the Commissioners were respondents, and also in the proceedings against the Board of Education, begun in the Circuit Court and now pending in our Supreme Court, and

WHEREAS, Messrs. John W. Ela, Thomas A. Moran, Levy Mayer and Charles R. Holden represented the Commission in said proceedings at the request of the Commission and without fee or reward; therefore be it

Resolved, That the thanks of the Commission are due and are hereby tendered to Messrs. Ela, Moran, Mayer and Holden for their valuable services on behalf of the Commission, and be it further

Resolved, That a copy of these resolutions be forwarded to each one of them.

There being no further business the meeting adjourned.

JOHN M. GLENN,
Secretary.

ADOLF KRAUS,
President.

SUPREME COURT DECISIONS.

APPENDIX K.

SUPREME COURT DECISIONS.

THE PEOPLE OF THE STATE OF ILLINOIS, *ex rel.*
E. C. AIKEN, ATTORNEY GENERAL,
vs.
JOSEPH KIPLEY, SUPERINTENDENT OF POLICE,
et al.
} Petition for Mandamus.

STATEMENT OF FACTS.

At the June term, 1897, of this Court, to wit: on June 1, 1897, the Attorney General filed a motion for leave to file an original petition for a mandamus. Leave was granted to file the petition, and it was so filed on June 7, 1897.

The petition prays for summons for Joseph Kipley, Superintendent of Police of Chicago, and Adolf Kraus, Dudley Winston and Hempstead Washburne, Civil Service Commissioners, requiring them to answer the petition.

The petition alleges that vacancies exist in the positions of Assistant Superintendent of Police, Inspectors of Police and Captains of Police; that such positions have not been filled in accordance with the terms of the "Act to regulate the Civil Service of Cities;" that, upon the occurrence of such vacancies, it was the duty of the Superintendent of Police, as the head of the Department of Police of the City of Chicago, to notify the Civil Service Commissioners of said city of such vacancies; that, upon such notification, it was the duty of said Commissioners to submit to the said Superintendent of Police the names of not more than three applicants in each grade or class next below the grade or class in which the vacancy existed, for promotion to such vacancies; that said Superintendent of Police claims the power to fill the vacancies in the position of Assistant Superintendent of Police, Inspectors of Police and Captains of Police in said city; that, in violation of the provisions of this Act, said Superintendent has assumed to fill some of such vacancies by appointing persons not in the classified lists formulated by said Civil Service Commission, and not designated or selected by said Commission for appointment or promotion; that said Superintendent has attempted to appoint one Lyman Lewis as Assistant Superintendent of Police, and one John J. Hartnett as Inspector of Police. The petition further alleges the passage of the "Act to regulate the Civil Service in Cities" on March 20, 1895, the adoption of the same by the City of Chicago at the general city election held on April 2, 1895, the proclamation of George B. Swift, then Mayor of said city, issued on July 1, 1895, declaring the adoption of said Act, and that the same was in full force after the date of said proclamation, the appointment by said Swift, as Mayor, on July 1, 1895, of three Civil Service Commissioners under said Act, to wit: John M. Clark, Robert A. Waller, and Christopher Hotz, the qualifications of said Commissioners, and the adoption by said Commissioners of certain "Civil Service Rules," which rules are appended as an exhibit to said petition.

The petition further alleges, that on April 6, 1897, Carter H. Harrison was elected Mayor of said city as successor to said Swift, and qualified as such Mayor; that, thereafter, said Waller resigned his position as one of said Civil Service Commissioners, and said Clark and Hotz were removed from said Commission by the said Carter H. Harrison, Mayor; that the respondents, Winston, Kraus and Washburne, were appointed Commissioners in place of said Clark, Waller and Hotz, and have duly qualified and are acting as such Commissioners.

The petition also alleges, that the rules of the first Board of Commissioners, which were adopted as aforesaid, have not been altered or changed; that, by such rules the old Board of Commissioners, in the year 1895, classified the offices of Assistant Superintendent of Police, Inspectors of Police and Captains of Police, and thereby brought them

within the terms and provisions of said Civil Service Act; that, by an opinion in writing addressed to the Mayor, and signed by the respondents who constitute the present Board of Commissioners, and promulgated on or about May 22, 1897, the positions of Assistant Superintendent of Police and Inspectors of Police were held by the present Board of Commissioners not to be required to be classified under said Act, and to be exempt from the rules and regulations of said Commissioners. The petition also sets forth ordinances of the City of Chicago, showing that before and at the time of the passage of the Civil Service Act, there was established an executive department of the municipal government of Chicago, known as the Department of Police, embracing the Superintendent of Police and other officials; that there was created the office of Superintendent of Police, who should be the head of said Department of Police, and should hold his office for the term of two years, and until his successor should be appointed and qualified. The ordinances referred to in the petition also provide that said Superintendent of Police shall be appointed by the Mayor, by and with the advice and consent of the City Council. It is also alleged in the petition, that, prior to the passage of said Civil Service Act, ordinances had been adopted by the City Council of Chicago, relating to the Department of Public Works, the Department of Health and other departments, by which a head of each department was established in terms similar to the provisions relating to the Department of Police. The petition represents, that on April 15, 1897, the respondent, Joseph Kipley, was by Carter H. Harrison, Mayor of said city, appointed Superintendent of Police, and was afterwards duly confirmed by the City Council, and qualified as such Superintendent, and caused the city to be divided, or accepted a division of said city theretofore made, into four divisions and fifteen districts, and assigned, or recognized as having been assigned, to each division an Inspector of Police, and to each district a Captain of Police.

The petition prays that a writ of mandamus may issue to the said Joseph Kipley, as Superintendent of Police, directing and commanding him to notify the Civil Service Commissioners of vacancies, existing in the positions of Assistant Superintendent of Police, Inspectors of Police and Captains of Police in said City, and to said Kraus, Winston and Washburne, as such Civil Service Commissioners, commanding them to submit to said Kipley, as such Superintendent of Police, the names of not more than three applicants for promotion for each vacancy from the grade next below that in which such vacancy or vacancies exist, etc.

On June 14, 1897, the respondent, Kipley, filed a separate answer, in which, among other things, he set up that the said Civil Service Act was unconstitutional and void. The said answer admits, that the present Civil Service Commissioners, on May 22, 1897, promulgated the opinion mentioned in the petition, holding that the positions of Assistant Superintendent of Police and Inspectors of Police were not required to be classified under said Civil Service Act, and were exempt from the rules and regulations of said Commissioners. The answer avers, that the true construction of the 3d and 11th Sections of said Act, if the same have any force or validity, is stated in the opinion of May 22, 1897, a copy of which opinion is annexed to the answer and made a part thereof. The answer also adopts, and makes a part thereof, a certain opinion dated May 5, 1897, given by Charles S. Thornton, Corporation Counsel of said city, to the said Carter H. Harrison, Mayor, therein holding that said positions of Assistant Superintendent of Police, Inspectors of Police and Captains of Police, and other subordinate positions in the Department of Public Works, of Building, of Health, of Fire and of Police, are not required to be classified under said Act, and are exempt from its provisions and from the rules and regulations of said Commissioners. The answer of the respondent, Kipley, avers that the said respondent has followed the construction of the provisions of said Act, as given in the opinions aforesaid.

The answer further sets up, that the respondent neither admits nor denies, that, by the rules referred to in the petition, the first Board of Civil Service Commissioners, for the year 1895, classified the offices of Assistant Superintendent of Police, Inspectors of Police and Captains of Police, as stated in the petition; but in his answer, the said Kipley positively denies, that the said positions were by said rules, or could be, brought within the terms and provisions of said Civil Service Act. The answer furthermore admits the existence of the vacancies in the Department of Police referred to in the petition, and that the said respondent, Kipley, has caused the same to be filled. On June 15, 1897, the people, by the Attorney General, demurred to the answer of the respondent, Kipley. On June 14, 1897, the respondents, Kraus, Washburne and Winston, Civil Service Commissioners aforesaid, filed their answer to the petition, and filed and annexed

thereto a copy of the answer filed by them in another proceeding for mandamus instituted against them as Civil Service Commissioners at the same time, at which the present proceeding was instituted, but to which the said Kipley was not made a party defendant. The said Civil Service Commissioners adopt as part of their answer, the answer filed herein by said Kipley, except so much of Kipley's answer as attacks the validity and constitutionality of said Civil Service Act. The answer of said Commissioners admits the appointment of Lyman Lewis as Assistant Superintendent of Police, and of John J. Hartnett as Inspector of Police by the said Kipley, and alleges that, as said Lewis and Hartnett are not made parties to the petition, the petition is defective.

The answer of the respondents, Kraus, Winston and Washburne, in the mandamus proceeding, commenced against them alone and without joining Kipley, and which is made a part of their answer in the present proceeding, refers to and endorses and adopts the said opinion promulgated by them and addressed to the Mayor on May 22, 1897. The answer of the Commissioners, by the adoption of said opinion, and of their answer in the other proceeding, claim that certain positions in the Police, Fire and Health Departments, and in the Departments of Buildings and of Public Works in the City of Chicago, other than the heads of those departments, as mentioned in the ordinances referred to in the petition, are not required to be classified under the Civil Service Act, and are exempt from its provisions. The positions, claimed by the Commissioners in their answer to be thus exempt and not subject to classification, are in the Department of Public Works, the following positions, to-wit: Secretary to Commissioner of Public Works, City Engineer, Superintendent of Streets, Superintendent of Water, Superintendent of Sewers, Superintendent of Special Assessments, Superintendent of Maps; in the Department of Buildings: Secretary to the Commissioner of Buildings, Deputy Commissioner of Buildings; in the Department of Health: Assistant Commissioner of Health; in the Department of Police: Secretary of the Department of Police, Assistant Superintendent of Police, Inspector of Police; in the Fire Department: First Assistant Fire Marshal, Superintendent of City Telegraph, Fire Inspector, Secretary of Fire Department, etc. On June 15, 1897, the People, by the Attorney General, filed a demurrer to the answer of the respondents who are Civil Service Commissioners.

Subsequently, after the adjournment of this Court in the June term, 1897, and on the 28th day of June, A. D. 1897, the City Council of the City of Chicago passed an ordinance entitled "An ordinance to designate certain public officials who shall be selected by the Mayor with the concurrence of the Council," which ordinance is as follows:

"*Be it ordained by the City Council of the City of Chicago:*

"SECTION 1. That the following list of public officials shall be designated as 'heads of principal departments' as said term is used in Section 11 of 'An Act to Regulate Civil Service of Cities,' approved and in full force March 20, 1895, and shall be nominated by the Mayor and shall be confirmed by the City Council, viz.: City Engineer, Superintendent of Streets, Superintendent of Water, Superintendent of Sewerage or Sewers, Superintendent of Special Assessments, Superintendent of Water Pipe Extension, Superintendent of City Pipe Yards, Secretary of Police Department, Assistant Superintendent of Police, fifteen Captains of Police, four Inspectors of Police, Chief Sidewalk Inspector, Assessor of the Water Department, District Foreman of Street Repairs, District Foreman of Water Pipe Extension, District Foreman Sewer Cleaning, District Foreman for Street Cleaning.

"SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

"SECTION 3. This ordinance shall take effect and be in force from and after its passage." This ordinance was approved by the Mayor, Carter H. Harrison, on July 1, 1897.

On July 10th, 1897, the respondent, Joseph Kipley, Superintendent of Police, filed a plea in this Court, setting up that, since the filing of his answer to the petition herein and since the last adjournment of the Court, the City Council of Chicago had adopted the said ordinance of June 28th, 1897. The plea then sets forth said last mentioned ordinance in full, and alleges that the same is in full force and effect and that thereby the respondent's failure to notify said Civil Service Commissioners and to submit to them the appointment of certain subordinate police officers of said city have been, if they ever were within the same, wholly taken away from and removed out of the control, jurisdiction and power of the said Civil Service Commissioners, and that such matters are now expressly excepted by the terms of said ordinance from the force and effect of the Civil Service Act. The

plea then quotes in full Sections 3 and 11 of said Act and submits said last named ordinance to the Court to be read and construed in view of said sections. On October 18th, 1897, the Attorney-General filed a demurrer to said plea.

OPINION BY MAGRUDER, J.

First. The Civil Service Commissioners who are respondents in this case, do not set up in their answer the unconstitutionality of the Civil Service Act, nor do they adopt that part of the answer of the respondent, Kipley, the Superintendent of Police, which attacks the constitutionality of the law. But the respondent, Kipley, in his answer expressly alleges, that the Act is unconstitutional, and relies upon its unconstitutionality as a defense to the matters and things set up in the petition. By the demurrer filed by the petitioner to the answer of Kipley, the question of the constitutionality of the law is directly raised. The plea filed on July 10th, 1897, setting up the ordinance of June 28th, 1897, is a *plea puis darrein continuance.* That plea relies upon the ordinance of June 28th, 1897, as a defense, and, under the technical rules applicable to such a plea, it may be that the defenses set up in the answer of Kipley are superseded and the substantive averments of the petition confessed. It has been held that, where a plea *puis darrein continuance* is filed, everything is confessed except the matter contested by the plea. (*City of East St. Louis vs. Renshaw*, 153 Ill., 491.) In this view it would seem to follow that the question of the constitutionality of the law, as raised in the answer of Kipley, has been waived by the filing of the plea *puis.* Counsel for the respondent, Kipley, insists that in an original proceeding by mandamus in this Court, the question of the constitutionality of the Act can be raised at any time before the issuance of the peremptory writ, irrespective of the filing of the plea *puis darrein continuance.* He contends that the Court will not in such a proceeding enforce by mandamus an unconstitutional law, if, at any time in the progress of the proceedings, such unconstitutionality is made apparent, and is brought to the attention of the Court. This contention receives some support from the following remark made by this Court in *People vs. Town of Mt. Morris*, 145 Ill., 427: "It has been held that defects in substance in the petition may be taken advantage of at any time before granting peremptory writ." Without determining, however, whether the contention thus made by counsel is absolutely correct or not, we deem it proper to dispose of the question of the constitutionality of the Act, in view of the fact that the counsel for the respondent, Kipley, furnishes us with an elaborate argument against its constitutionality, and the petitioner, and the respondents, who are Civil Service Commissioners, present equally elaborate arguments in favor of its constitutionality. The subject is thus urged upon our attention by all the parties to this controversy.

The civil service Act, passed by the Legislature of this State on March 20th, 1895, is not the first law of its kind which has appeared in this country. Such a law has been passed by the Congress of the United States to be applied to the civil service under the Federal Government. Statutes of the same kind have also been adopted in the States of Massachusetts and New York. The civil service law, which was in force in the State of New York for more than ten years before the year 1894, has so commended itself to popular approval, and had been so beneficent in its results that its underlying principle was embodied in the new or amended and revised constitution of that State, adopted by the people in 1894, and which went into effect on January 1st, 1895. The provision upon this subject in the New York constitution of 1894 is as follows: "Appointments and promotions in the civil service of the State and in all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive. * * * Laws shall be made to provide for the enforcement of this section."

The evils sought to be remedied by legislation of this character are well known and well understood. These evils are such as grow out of what is generally called "the spoils system" in the matter of appointments to public office. This system rests upon what Mr. Justice Peckham, now of the Supreme Court of the United States, then a member of the Court of Appeals of the State of New York, speaking for the latter Court in *Rogers vs. Common Council of Buffalo*, 123 N. Y., 173, calls "the semi-barbarous maxim, that to the victor belongs the spoils." Under the system thus designated as the "spoils system," party service and party fealty are made the tests for appointments to office. Wherever this system prevails, the political work, done by the applicant, and his supposed power to do more, are regarded as the chief reasons for his appointment to office. Public office is thus made to be the reward for political work. All the offices are "parceled out by the chiefs of the victorious party to their faithful followers in recognition of past political

services, or in expectation of future support of the same nature. Possession of office, under such a system, is to be the reward of party fidelity and party service." "(*Rogers vs. Common Council of Buffalo, supra.*) Where an appointment is made under the system in question, the officer making it is apt to ignore any sense of personal or official responsibility to the people, and to substitute in its stead a feeling of responsibility to his party only. The appointments to offices are such as the leading men therein choose to ask for. (*Rogers vs. Common Council of Buffalo, supra.*) Where Civil Service laws have been adopted, they have been so adopted for the purpose of doing away with the evils which necessarily result from the 'spoils system.'" Those evils have been fitly characterized as inefficiency, extravagance, the interruption of public business by place hunters, corruption of the electoral franchise and political assessments. A distinguished writer on the constitutional history of the United States has spoken of the maxim "to the victors belong the spoils," as being "an inviolable principle of American politicians," and he says: "It is owing only to the astonishing vitality of the people of the United States and to the altogether unsurpassed and unsurpassable favor of their natural conditions, that the State has not succumbed under the onerous burden of the curse." (2 *Von Holst, Const. Hist. of the U. S.*, 26.) To do away with the onerous burden of this curse in the cities of Illinois, the Act of March 20th, 1895, was passed by the Legislature of this State.

The foundation principles of the Act are, that appointments to municipal offices or employments must be made according to merit and fitness, to be ascertained by competitive examinations, free to all; and the promotions from lower to higher grades in the public service must be made upon the basis of merit. That this is so, will appear from the examination of the various provisions of the Act. Section 3 of the Act provides for the classification of all the offices and places of appointment in any city which has adopted the Act, with reference to the examinations therein provided for, with certain exceptions; and that the offices and places, so classified by the Civil Service Commission, shall constitute the classified Civil Service of the city. Section 6 provides, that all applicants for offices or places in such classified service, with certain exceptions, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character; that such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and, when appropriate, of manual skill; that no questions in any examination shall relate to political or religious opinions or affiliations. Section 8 provides that from these examinations, the Commission shall prepare a register for each grade or class of positions in the classified service of the city of the persons whose general average standing, upon examination for such grade or class, is not less than the minimum fixed by the rules of such Commission, and who are otherwise eligible; and that such persons shall take rank upon the register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination. Section 9 provides, that the Commission shall by its rules provide for promotions in such classified service, on the basis of ascertained merit and seniority in service and examination, and shall provide "in all cases where it is practicable" that vacancies shall be filled by promotion; that all examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; that it shall be the duty of the Commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. Section 10 provides that "the head of the department" or office, in which a position classified under this Act is to be filled, shall notify said Commission of that fact and said Commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, with a certain exception in regard to laborers; that the appointing officer shall notify the Commission of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said Commission therefor, etc. Section 34 provides that any person who shall willfully or through culpable negligence violate any of the provisions of this Act, or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars or by imprisonment in the county jail not exceeding six months, or both such fine and imprisonment in the discretion of the Court.

In 1884 the State of Massachusetts passed a civil service Act whose general provisions are substantially the same as those of the Illinois Act now under consideration. The Supreme Court of Massachusetts, being requested by the House of Representatives of that State to give their opinion upon the constitutionality of certain provisions of the Act, held that the legislature has the constitutional right to provide for the appointment of civil service commissioners, and to delegate them the power to make rules not inconsistent with existing laws to guide and control their discretion, and the discretion of the officers of the cities in whom the appointing power is vested; that the duty of determining and ascertaining the qualifications of such officers and servants cannot be performed directly by the legislature, but must be delegated to certain officers or agents; that it is not a delegation of power to enact laws, but merely a delegation of administrative powers and duties; that there was no provision of the constitution which prevented the legislature from enacting that such rules, when duly made, should be binding upon the officers and citizens to whom they apply, and that they might be enforced by suitable penalties; that the power of the legislature to make or to authorize local laws for the administration of local affairs is beyond question. (*Opinion of the Justices*, 138 *Mass. Rep.*, 601)

In 1883 the legislature of the State of New York passed a civil service law which is similar, in most of its features, to the Illinois Act. In *Rogers vs. Common Council of Buffalo*, *supra*, it was held that the provision of the Act, which creates a board of commissioners consisting of two or more persons, and which provides that not more than a certain proportion shall be taken from one party, does not amount to an arbitrary exclusion from office or to a general regulation requiring qualifications not mentioned in the State constitution, and is not unconstitutional; and that a provision therein which required an applicant for appointment to position in a public office to show his fitness therefor was not an illegal test within the meaning of the constitution. In the course of the opinion delivered by Mr. Justice Peckham in the latter case he says: "Looking at it as a matter of common sense we are quite sure that the framers of our organic law never intended to oppose a constitution barrier to the right of the people, through their legislature, to enact laws which would have for their sole object the possession of fit and proper qualifications for the performance of the duties of a public office on the part of him who desired to be appointed to such office. So long as the means adopted to accomplish such end are appropriate therefor they must be within the legislative power. The idea cannot be entertained for one moment that an intelligent people would have consented to so bind themselves with constitutional restrictions on the power of their own representatives as to prevent the adoption of any means by which to secure, if possible, honest and intelligent service in public office. Statutes looking only to the purpose of ascertaining whether candidates for an appointive office are possessed of those qualifications which are necessary for a fit and intelligent discharge of the duties pertaining to such office are not dangerous in their nature, and in their execution they are not liable to abuse in any manner involving the liberties of the people."

The Illinois Act contains a similar provision to that in the New York Act, viz: that no more than two members of the Civil Service Commission shall, at the time of appointment, be members of the same political party. Section 31 of the Illinois Act provides that no comptroller, or other auditing officer of a city which has adopted the Act, shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer or employee of such city unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor. Section 32 provides that no pay-master, treasurer or other officer or agent of the city which has adopted the Act shall willfully pay, or be in any manner concerned in paying any person any salary or wages for services as an officer or employee of such city unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

The New York Act provided that clerks and other subordinates in the civil service of the State should be appointed or selected from lists produced, as therein provided, after competitive examination, and that it should be unlawful for the comptroller to pay the compensation of any clerk in the civil service who has not been appointed pursuant to the provisions of the law, and whose name has not been certified to him by the Civil Service Commission. In *People vs. Roberts*, 148 N. Y., 360, the facts show that the relator was appointed to a certain position without having passed the civil service examination, and that his name had never been certified to the comptroller by Civil

Service Commission, and that for that reason the comptroller refused to pay the claim. It was there held that the relator was not entitled to a mandamus to compel the comptroller to pay him the salary attached to such position, in the absence of a certificate from the Civil Service Commission that he had been duly appointed pursuant to the civil service Act; and the Act was there held to be constitutional, the court saying: "The power of the legislature to enact the law, as it appears on the statute book, has never been doubted or questioned." Again, in Chittenden vs. Wurster, 152 N. Y., 345, which was an action brought by taxpayers of the City of Brooklyn to enjoin the fiscal officers of the city from paying the salary earned by them to certain employees who were appointed to their positions without competitive examinations, it was held that the New York Act, with the exception of a provision which exempted certain soldiers and sailors from competitive examination where the compensation did not exceed $4.00 per day, was not repugnant to the constitution of the State. (See also *Peck vs. Belknap*, 130 N. Y., 394; *Matter of Keymer*, 148 N. Y., 219.)

The Act passed by the legislature of Illinois on March 20, 1895, is not unconstitutional in requiring examinations as therein provided for, as tests for appointments to public office, nor in requiring promotion to be made in the manner therein specified, nor in attaching a penalty to the violation of the provisions of the Act. The Act does not delegate legislative power to the Civil Service Commissioners by authorizing them to make the rules therein provided for. In this State when the general assembly creates a municipal government it has the power to provide the manner of filling the offices of such government. The legislature may select any means for the administration of the municipal government which it thinks best adapted to that end. It may provide for the election of municipal officers by the people, or may authorize any officers or persons to fill the offices by appointment (*People vs. Morgan*, 90 Ill., 558). It has, therefore, the right to enact a law which provides that appointments to municipal offices or positions shall be made according to merit and fitness, and that such merit and fitness must be ascertained by competitive examination. In most instances before the passage of the Civil Service Act, the municipal officers having the power to make appointments to office, removed their appointees at their own pleasure. It is certainly not a violation of the organic law to require them to conform to and obey regulations which make merit and fitness the necessary qualifications for office.

It is contended, however, by counsel for the respondent, Kipley, that the Act is unconstitutional and void upon the alleged grounds that it delegates to the Civil Service Commissioners the exercise of judicial functions. This contention rests upon the character of the provisions contained in Sections 12, 14 and 33 of the Act. Section 12 provides that no officer or employee in the classified civil service of any city, who shall have been appointed under said rules and after said examination, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense; that such charges shall be investigated by or before said Civil Service Commission, or by or before some officer of the board appointed by said Commission to conduct such investigation; that the finding and decision of such Commission or investigating officer or board, when approved by said Commission, shall be forthwith enforced by such officer; that, in the course of an investigation of charges, each member of the Commission, and of any board so appointed by it, and any officer so appointed, shall have the power to administer oaths, and shall have power to secure by its subpœna both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation. Section 14 provides that the Commission shall investigate the enforcement of the Act and of its rules and the action of the examiners therein provided for, and the conduct and action of the appointees in the classified service in its city, and may inquire as to the nature, tenure and compensation of all officers and places in the public service thereof; and that in the course of such investigations, each Commissioner shall have power to administer oaths, and said Commission shall have the power to secure by its subpœna both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigations. Section 33 provides that any person who shall be served with a subpœna to appear and testify, or to produce books, papers, etc., under the orders of the Commission in the course of such investigations above specified, and who shall refuse or neglect to appear or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpœna, shall be guilty of misdemeanor, and shall, on conviction, be punished as provided in Section 34, which has already been referred to; that any Circuit Court of this State, or any judge thereof, either in term time or vacation, upon any application of any such Commissioner, or officer, or

board, may in his discretion compel the attendance of witnesses, the production of books and papers, and giving of testimony before the Commission, etc., by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before said court.

We regard the question of the constitutionality of the Act, so far as its constitutionality is attacked upon the ground that there is a supposed delegation of judicial functions to the Civil Service Commissioners, as settled by the case of *Interstate Commerce Commission vs. Brimson*, 154 U. S., 447. The 12th section of the Interstate Commerce Act, passed by Congress, provided that the Interstate Commerce Commission should have power to require by subpœna the attendance and testimony of witnesses and the production of books, etc., relating to any matter under investigation; that, in case of disobedience to a subpœna, that the Commission might invoke the aid of any Circuit Court of the United States in requiring that attendance and testimony of witnesses, and the production of books and papers and documents under the provision of such section; that any of the Circuit Courts of the United States, within jurisdiction of which such inquiry was carried on, might, in case of refusal to obey a subpœna, issued to any common carrier, subject to the provisions of the Act, or other persons, issue an order requiring such common carrier or other person to appear before said Commission, and produce books and papers, if so ordered, and give evidence touching the matter in question; and that any failure to obey such order of the court might be punished by such court as a contempt thereof. In the Brimson case, *supra*, it was held that the provisions of said 12th section as above set forth, were not in conflict with the constitution of the United States; that the party subpœnaed to testify or to produce books and papers, was bound to obey the subpœna, if the testimony sought, and the books and papers called for, related to a matter under investigation, which the Commissioners were legally entitled to investigate. The Constitution of the United States, provides that "the judicial power shall extend to all cases in law and equity arising under the constitution, the laws of the United States and treaties made, or which shall be made under their authority, * * * to controversies to which the United States shall be a party," etc. In that case, the Supreme Court of the United States held, that the issue, made before the Circuit Court upon the application of the Commission for an order to compel the giving of testimony or the production of books and papers, was a "case" or controversy within the meaning of the Federal Constitution, which authorized the Circuit Court to act; and that the judgment of the Circuit Court rendered in pursuance of such application was not the less judicial in its character, because the effect of it was to aid an administrative body in the performance of the duties legally imposed upon it by Congress in execution of a power granted by the constitution. As we understand the Brimson case, it also holds that where an Act of Congress made the refusal of a witness, duly summoned to appear and testify before the Commission in respect to a matter rightfully committed to that body for examination, an offense against the United States, punishable by fine or imprisonment or both; a criminal prosecution, or a proceeding by information, could be instituted against the party who had committed such an offense.

The Constitution of Illinois (Art. 61, Section 12) provides that "the Circuit Court should have original jurisdiction of all causes in laws and equity," etc.

In the Civil Service Act the Commission is authorized to subpœna witnesses to testify and to produce books and papers in the investigation of a matter, which is clearly within their power to investigate for the reasons already stated. This being so, upon the refusal of the witnesses to obey the subpœna, the application of the Commission to the Circuit Court for an order requiring such persons so to appear before the Commission and give evidence or produce books and papers, would constitute such a case as would authorize the Circuit Court to act. The judicial function is performed by the court, and not by the Commission. The Commission is not authorized to punish the party for contempt, but the Circuit Court, upon the application of the Commission, makes the order to produce the papers, and upon failure to obey the order, inflicts the punishment as for a contempt. There is here no delegation of a judicial function to the Commission but simply a provision for the exercise of judicial functions by the Circuit Court.

The views here advanced do not conflict with the decision of this court in *Puterbaugh vs. Smith*, 131 Ill., 199, which latter case was decided before this question was passed upon by the Supreme Court of the United States in *Interstate Commerce Commission vs. Brimson, supra*. It was held in the Puterbaugh case that so much of a certain Act, entitled "Evidence," as authorized a judge in vacation to punish in a summary manner by fine and imprisonment, or fine or imprisonment, a person who should refuse to

obey a subpœna of a notary public to appear and have his deposition taken, or to subscribe his name to a deposition, was unconstitutional; but the decision in that case was placed upon the ground that the witness there merely acted in contempt of the notary's authority and not in contempt of the authority of the Circuit Court. Here, however, the Civil Service Act does not provide for punishment of the party for failing to obey the subpœna of the Commission, but for failing to obey the order made by the Circuit Court. When the application is made by the Commission or Commissioners, the court is authorized to compel the attendance of witnesses, by attachment for contempt or otherwise, "in the same manner as the production of evidence may be compelled before said court." The orderly course of the proceeding would require, that an order should be made requiring the witness to testify, and that it should appear that the witness refused to obey said order before the punishment for contempt should be inflicted upon him. The phraseology of Section 33 involves the making of such order as a preliminary step before the punishment is inflicted. We are of the opinion that the Act is not unconstitutional as delegating judicial power to the Commission. But even if the provision authorizing the Commission to make application to the Circuit Court in the manner stated, was unconstitutional, it would not necessarily follow that the whole Act should fall because of such unconstitutional provision. Where one provision in an Act is in conflict with the constitution, but is so independent of other provisions that, without it, the latter are complete and fully capable of execution, the Act will be construed the same as if the void part had never been inserted. (*Dupes vs. Swigert*, 127 Ill., 494.)

It is claimed by counsel for the respondent, Kipley, that the law is unconstitutional, as violating those sections of the constitution which secure the right of trial by jury. The right of trial by jury is not violated by the provisions of the Civil Service Act, which provide for the summoning of witnesses, and the requiring of such witnesses to testify, and to produce books, papers, etc., and which further provide, that in the event of their failure to obey the order of the court in this regard, they shall be punished for contempt. The issue presented by these provisions is not one for the determination of a jury. It is an issue of law, exclusively, and not of fact. In matters of contempt, a jury is not required by due process of law. (*Interstate Commerce Commission vs. Brimson, supra. Application of Clark*, 65 Conn., 171.)

Counsel also contends that Section 12, which provides for the trial of charges against appointees, violates the constitutional right of trial by jury. This is said to be so upon the alleged ground that the office, from which the officer or employee is to be removed or discharged in case the charges presented against him are sustained, is with its attendant emoluments the property of the office holder; and that no man can be deprived of his property without a trial by a jury of his peers. This position is wholly untenable. A public office is not property, nor are the prospective fees of an office the property of its incumbent. An office is a mere right to exercise a public function or employment. It is not the subject of sale, purchase or encumbrance. The term "office" implies a delegation of a portion of the sovereign power of the government to the person filling the office. Its duties are to be performed to the benefit of the public and in the public interest. (19 *Am. and Eng. Enc. of Law*, 381, 382.) In *Donohue vs. County of Will*, 100 Ill., 94, it was held that a law, which authorized County Boards to remove County Treasurers from office for certain violation of their duties, was not unconstitutional; that the removal of an official from office is not a judicial act, and in that case could be performed by the County Board. In the Donohue case, *supra*, the contention that, under the constitutional provision prohibiting any person to be deprived of his property without process of law, a County Treasurer could only be deprived of his office by a trial and judgment in the court of law, was held to be wholly untenable. We there said: "It is impossible to conceive how, under our form of government, a person can own or have a title to a governmental office. Offices are created for the administration of public affairs. When a person is inducted into an office, he thereby becomes empowered to exercise its powers and perform its duties, not for his, but for the public benefit. It would be a misnomer and a perversion of terms to say that an incumbent owned an office, or any title to it." In the *State vs. Hawkins*, 44 Ohio St., 98, the Supreme Court of Ohio said: "The incumbent of an office has not, under our system of government, any property in it. His right to exercise it is not based upon any contract or grant. It is conferred upon him as a public trust, to be exercised for the benefit of the public." If the removal of a County official for cause does not involve the exercise of judicial power, then certainly the removal of a municipal officer is not the exercise of judicial power. (*State vs. Hawkins, supra.*) The legislature has the power to control the municipalities created by it. Such municipalities must look to the State for such charters of government as the legislature shall see

fit to provide; and, while they have a right to manage their own local concerns and choose their own administrators and police officers yet this right is subject to such exceptions as the legislative power of the State may see fit to make. (*Cooley on Const., Lim.*, 5 ed., pp. 203 n., 227, 231.) Therefore, the legislature may direct how municipal officers shall be elected or appointed by the cities and villages in the State, and how such officers may be removed. Moreover, the provisions of the Civil Service Act for the removal or discharge of officers or employees upon written charges are purely statutory provisions. The constitutional provision, that "the right of trial by jury as heretofore enjoyed, shall remain inviolate," was not intended to introduce the right of trial by jury into special summary jurisdictions unknown to the common law, and not providing for that mode of trial. (*People vs. Hill*, 163 Ill., 186.)

It is further claimed that the law is unconstitutional, as being special legislation. This contention also is without force, as the law itself provided for its operation only in those cities which by a vote of the people may adopt it. Laws of this character are not obnoxious to the constitutional inhibition against special legislation. (*People vs. Hoffman*, 116 Ill., 601.) The present law has been adopted by the people of the City of Chicago.

Counsel for the respondent, Kipley, also contends that Section 35 of the Act is unconstitutional. Section 35 provides that "If any person shall be convicted under the next preceding section, any public office or place of public employment, which such person may hold, shall by force of such conviction, be rendered vacant, and such persons shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction," is unconstitutional. We are inclined to agree with counsel, that the portion of this section which makes the person therein referred to incapable of holding any office or place of public employment for the period of five years from the date of his conviction is unconstitutional. Section 8 of Article II of the Constitution of this State provides that "No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary," etc. The Act seems to contemplate prosecutions by information for the violations of its provisions. No person can be held to answer for any crime, for which an infamous punishment may be imposed by the court, without presentment or indictment by a grand jury. A crime which subjects the party to a disqualification to hold office in case he is convicted of such crime, is an infamous crime. Disqualification from holding office, if inflicted as a punishment for crime, is an infamous punishment. (*Ex parte Wilson*, 114 U. S., 417.) Here, Section 35 of the Act provides for punishing the party guilty of violating its provisions by disqualifying him from holding office. This is not a punishment by fine or imprisonment otherwise than in the penitentiary, and is in addition to such punishment by fine or imprisonment in the county jail, or by both fine and imprisonment, as is specified in Section 34. So far, therefore, as the Act provides for the infliction of punishment by a disqualification to hold office, where the prosecution is by information and not by indictment, it is in violation of Section 8 of Article II of the Constitution. It is true that Section 35 provides that such disqualification shall only be for five years from the date of conviction, but, as counsel have furnished us with no authority in favor of the position that a limitation of the disqualifications to a period of years is different from disqualification where no such limitation has been fixed, and has presented us in the briefs with no reasons or arguments upon the subject, we assume that the disqualification for a limited period is as much an infamous punishment, as though it was not subject to any such limitation. The obnoxious feature, which thus exists in Section 35, may be eliminated from the Act without invalidating its other provisions. With the exception thus indicated, one conclusion is, that the Act is not unconstitutional in any of the respects heretofore mentioned, and which have been called to our attention by counsel for the respondent, Kipley.

Second. The demurrers of the petitioner to the answers and plea raise a further question as to the proper construction of certain provisions of the Civil Service Act. Section 3 of the Act provides that "Said Commissioners shall classify all the offices and places of employment in such city, with reference to the examinations hereinafter provided for, except those offices and places mentioned in Section 11 of this Act. The offices and places so classified by the Commission shall constitute the classified civil service of such city, and no appointments to any of such offices or places shall be made except under and according to the rules hereinafter mentioned." Section 6 provides that "All applicants for offices or places in said classified service, except those mentioned in Section 11 shall be subjected to examination," etc. The plain meaning of these sections is that the offices and places mentioned in Section 11 are not to be classified under the Act, and are excepted out of the operation of the provisions of the Act. Section 11,

which thus designates the officers excepted from the classified service, is as follows: "Officers who are elected by the people, or who are elected by the City Council pursuant to the city charter, or whose appointment is subject to confirmation by the City Council, judges and clerks of election, members of any board of education, the superintendent and teachers of schools, heads of any principal department of the city, members of the Law Department and one secretary of the Mayor shall not be included in such classified service."

The present controversy arises out of a difference of opinion between the petitioner and the respondents as to the meaning of the two clauses: "whose appointment is subject to confirmation by the City Council," and "heads of any principal department of the city." Under ordinances existing at the time of the passage of the Civil Service Act, certain departments of the municipal government of the City of Chicago, known as the Department of Police, the Fire Department, the Department of Health, the Department of Public Works, the Department of Buildings and the Department of Law were in existence and in operation, having been created and established by such ordinances. By the terms of such ordinances, and in pursuance of a practice which existed for many years, each of these departments had one head, and each of these heads was appointed by the Mayor, by and with the advice and consent of the City Council. Thus the ordinance in regard to the police provides as follows: "There is hereby created the office of Superintendent of Police, who shall be the head of said Department of Police." The fire ordinance provides as follows: "There is hereby created the office of Fire Marshal, who shall be the head of the Fire Department." The health ordinance provides as follows: "There is hereby created the office of Commissioner of Health, who shall be the head of said Department of Health." The ordinance in regard to public works provides as follows: "There is hereby created the office of Commissioner of Public Works, who shall be the head of said Department of Public Works." The ordinance in regard to buildings provides as follows: "There is hereby created the office of Commissioner of Buildings, who shall be the head of said Department of Buildings." The ordinance in regard to law provides as follows: "There is hereby created the office of Corporation Counsel, who shall be the head of the Law Department."

These ordinances further provide that there shall be certain subordinates or assistants for each of these departments, who are specifically named in the ordinance. By the terms of the ordinances, all of these subordinates or assistants, with a few exceptions hereinafter mentioned, were appointed in each department by the head of that department, either subject to the approval and consent of the Mayor, or without such approval or consent. Thus, the ordinance in regard to police provides as follows: "There is hereby established an executive department of the municipal government of the City of Chicago, which shall be known as the Department of Police, and shall embrace the Superintendent of Police, an Assistant Superintendent of Police, a Secretary of the Department of Police, a Secretary to said Superintendent of Police, one Inspector of Police for each division, one Captain of Police for each police district, and such number of Lieutenants, Sergeants, Detective Sergeants, Sergeants of Detectives, Desk Sergeants, Patrolmen, Clerks, Photographers, Telegraphers, Veterinary Surgeons, as has been, or may be, described by ordinances."

The contention of the petitioner is, that the expression, "heads of any principal department of the city," as those which are used in section eleven, means, when the Act is applied to the City of Chicago, the following officers, to-wit: The Superintendent of Police, the Fire Marshal, the Commissioner of Health, the Commissioner of Public Works, the Commissioner of Buildings, and the Corporation Counsel. On the contrary, the respondents who are Civil Service Commissioners contend that the words "heads of any principal department of the city," mean, not only the said officials who are designated as heads in the ordinances, but also certain subordinates or assistants named in the ordinances. For instance, in the present case it is contended by the Civil Service Commissioners, that the Assistant Superintendent of Police, the Secretary of the Department of Police, and the Inspectors of Police, must be regarded as heads of the Police Department. The respondent, Kipley, further contends, that the captains of police shall be regarded as heads of the Police Department. The same contention is made in regard to certain of the subordinates and assistants in the other departments above named.

Therefore, the question which is to be determined in this branch of the case is this: What was the meaning of the legislature when it provided in Section 11, that "heads of any principal department of the city" should not be included in the classified service?

The practice, which has prevailed under a constitution or statute, for a long series of years unchallenged and unquestioned, can be resorted to as affording strong evidence of the meaning of any phrase or term used in such constitution or statute. (*Dunn vs. The People*, 45 Ill., 397; *Opinion of the Justices*, 138 Mass., 301.) In determining the meaning of the statute, a court will have regard to existing circumstances, or contemporaneous conditions, and also to the objects sought to be obtained by the statute, and the necessity or want of necessity for its adoption. (*Hawes vs. City of Chicago*, 158 Ill., 653.) It is conceded by counsel on both sides in their arguments, that the legislature passed the Civil Service Act with full knowledge of the City of Chicago, which designated each of the officers already named as the head of each department above mentioned. The opinion of the Corporation Counsel, which is made a part of the answer of the respondent, Kipley, makes the following statement: "We find no difficulty in passing upon the question as to what are principal departments in the service of the city, as the ordinances of the city provide for such departments. They are "the departments of public works, buildings, fire, health and police." The respondents, who are Civil Service Commissioners, by adopting the answer of the respondent, Kipley, also adopt the statement as to what are principal departments of the city. It is also admitted in the argument of counsel, that the appointment of all of the six officers above named is made subject to the approval of the City Council. It is also conceded by counsel for the Civil Service Commissioners, that the word "heads," as used in Section 11, should be given the meaning which it had at the time of the passage of the Civil Service Act.

The word "department" has a well understood meaning, and had been used in prior statutes, and in the City and Village Act itself at the time when the Civil Service Act was passed. Thus in Section 3 of Article VII of the City and Village Act the following words are used, to-wit: "Neither the city council nor the board of trustees, nor any department nor officer of the corporation," etc. In Section 17 of the same Article the city comptroller is authorized to require of all officers a statement of the condition and expenses of their respective officers of "departments"; Section 2 of the Act in regard to the police and firemen's relief fund provides that "the superintendent or chief officer of the police department, the fire marshal or chief officer of the fire department," and other officials shall constitute the board therein named; so also in the Act of 1887 in regard to the police pension fund, Section 2 speaks of the "superintendent or chief officer of the police department." (1 *Starr & Cur. Stat.*, 2 ed., pp. 727, 731, 635, 838.) There can be no doubt that the words as used in Section 11 were intended by the legislature to refer to heads of the principal departments as they existed under ordinances then in force. At that time there was no principal department of the city government in Chicago which had more than one head. Each department had a single head. Counsel say that in the clause "heads of any principal department of the city" the word "heads" is plural and the words "any department" are singular, and that, therefore, the legislature must have contemplated that there should be two or more heads in one department. In pursuance of this construction it is then contended that certain subordinate officers in each department, such as the Assistant Superintendent of Police, the Secretary of the Police Department, each Police Inspector and each Captain of Police may be regarded as one of the heads of the Department of Police. If it be true that when the Civil Service Act was passed each principal department had only one head, and if it be also true, as is admitted, that the legislature had full knowledge of the ordinance giving one head to each principal department, then the legislature must have intended to refer to each single head of each principal department by the words used in Section 11. If the legislature meant that only heads of a department should be excluded from the classified service, then, where a department had only one head, such single head would not be excluded. Such a construction cannot be accepted as correct. The intention evidently was that the head or heads of any principal department should be excepted. If there was only one head, such single head should be excepted; if there were two or more heads they should be excepted. It might be that the legislature could or would create some department besides and outside of those existing at the time of the passage of the Act, which should consist of several persons as heads instead of one person. In such case such heads would come within the meaning of Section 11. But, so far as the city of Chicago is concerned, the departments, at the time of the passage of the Act, had only one head and, therefore, the words used in Section 11 must refer to such heads as then existed. In Section 10, immediately preceding Section 11, the legislature three times makes use of the expression "the head of the department," or the "head of any department," making use of the singular number. Section 10 provides that "the head of the department," etc., shall notify the

Commission of a vacancy. Therein "the head of the department" is authorized, under certain circumstances, with the consent of the Commission, to discharge a candidate. Therein, also, "the head of any department" is authorized, under certain circumstances, with the approval of the Commission, to make a temporary appointment. Section 10 also refers to "the head of the department" as the appointing officer. This feature of Section 10 corresponds with the ordinances referred to, which make "the head" of each one of the six departments above referred to the appointing officer of most of the subordinates in his department, with a certain limited number of exceptions. It cannot be that after the use in Section 10 of the expressions which refer to one single head of a department, the legislature intended a different meaning by the use of the words contained in Section 11. The expression there used is merely a pluralizing of the expression used in Section 10, so as to convey the idea that where there were several departments and one head in each department there were heads of departments.

The construction contended for by counsel as to the meaning of the words, "heads of any department of the city," would not only destroy and nullify the Civil Service Act itself, but would lead to confusion and uncertainty in its interpretation. If the expression, "heads of any principal department," is not to be interpreted to have the meaning given to it in the ordinances in force when the Act is passed, what rule of interpretation is to be adopted in determining who are the heads of any principal department, and how many heads there shall be? Counsel say, that it must be determined who are heads by applying certain tests. It is said, that, where an employe is authorized to exercise control in the absence of the chief officer of the department, such employee ought to be considered a head. There is nothing in the Act which justifies the application of any such rule, in order to determine who are the heads. It is also said that, where an employee has charge of the hiring and employing of a large number of men and the expenditure of large sums of money, and is to be appointed only with the Mayor's concurrence, and whose position is next to that of the chief of the whole department, such an employee must be considered a head of the division or department under his supervision. There is nothing in the Act which justifies the application of any such test as is thus indicated. It is also said, that where an employee has confidential and business relations with the chief officer in any branch of the city service, he is to be decreed a head. This test also is without sanction in any of the terms of the Act. All these tests ignore the fact, that the "heads" referred to must be the heads of "any *principal* department," not the head of a division, or a department under the supervision of a subordinate. The "*principal*" departments are limited in number, being either six departments or seven, if the Department of Finance is included, and each of such departments, as has been already stated, has only one head. If the construction contended for by counsel is correct, then, when Section 10 authorizes the "head of the department" to notify the Commission of a vacancy, which one of such heads is to give such notice? And why is not the direction that "the heads of the department" should give the notice, instead of the direction that "the head" thereof should give it? The construction thus contended for would prevent the fulfillment of the object contemplated by the Act itself. If it be once held, that there can be no other "heads of any principal department" than those existing in the ordinance at the time the Act was passed, then new "heads" may be from time to time created by the Common Council, or the appointing officers; and every foreman who has a squad of men at work under him will be considered the head of a department. The object of the law is to provide for appointment to office upon the basis of merit and fitness, as ascertained by competitive examinations which are open and free to all. But if the doctrine is to prevail that new heads of any principal department may be created whenever the exigencies of politics or the demands of partisan service require it, appointments upon the basis of merit and fitness will soon cease to be made. In addition to this, the Act contemplates that promotions shall be made from one grade of the Civil Service to another upon the basis of ascertained merit and seniority in service and examination. If, however, every officer, who has a number of subordinates under him is to be regarded as the head of a principal department, there can be no opportunity for promotion. If all are heads and all thus occupy the highest grades, there will be no lower grades from which subordinates can rise by promotion. Thus, the intention of the legislature in passing the Act to make both original appointments and subsequent promotions depend upon merit, and upon merit as ascertained by examinations, will be defeated. It is well settled that courts will construe an Act of the legislature so as to give effect to the plain intention of the body, as embodied in the Act (*Soby vs. The People*, 134 Ill., 66,) in so far as the administration of the Civil Service Act is dependent upon the action of the judicial department. "It is entitled

to, and doubtless will receive, a fair and liberal construction, not only according to its letter, but its true spirit and the general purpose of its enactment." (*People vs. Roberts*, 148 N. Y., 360.)

But Section 11 also says that officers "whose appointment is subject to confirmation by the City Council" shall not be included in the Classified Service. Counsel say, that the heads of principal departments, as created in the ordinances already referred to, are officers whose appointment is subject to confirmation by the City Council.

It is, therefore, argued that if the words "heads of any principal department of the city," refer only to the single heads already referred to, then Section 11 is subject to the criticism of a mere repetition in the matter of the excepted class. The theory of counsel seems to be this: When Section 11 said that officers, whose appointment is subject to confirmation by the City Council, shall not be included in the Classified Service, it is said thereby that the head of each principal department, as named in the ordinances, should not be included; and that, this being so, when it afterward used the expression "heads of any principal department of the city," it merely repeated an exception which had been already made, if the construction contended for by the Attorney-General is correct. It is true that each head of each principal department comes under both designations in Section 11, to-wit, the designation "whose appointment is subject to confirmation by the City Council;" and also the designation "heads of any principal department of the city." But the same is true of several other officials mentioned in Section 11. Thus, the section mentions judges and clerks of election. Judges and clerks of election are included in the previous expression, to-wit: "Officers * * * who are elected by the City Council pursuant to the city charter."

This is so, because Section 9 of Article IV of the City and Village Act provides, that the City Council shall appoint the judges and clerks of election. It may be said, therefore, that the mention of judges and clerks of election in Section 11 is a mere repetition of the designation of those officials, which had already been made under the designation of officers elected by the City Council pursuant to the city charter. Section 11 mentions as persons not included in the Classified Service, "members of any board of education." But "members of any board of education" are included in the previous designations of officers elected by the people and of officers whose appointment is subject to confirmation by the City Council. This is so, because Section 2 of Article VI of the School Law provides that, in school districts having a population of not over 100,000 inhabitants, there shall be elected a board of education, while Section 17 of that Act provides that, in cities having a population exceeding 100,000 inhabitants, the board of education shall be appointed by the mayor, by and with the advice and consent of the common council. (*3 Starr & Curtiss Stat.*, 2 ed., pp. 3691, 3695.)

So, also, in reference to members of the Law Department as mentioned in Section 11, the Corporation Counsel, who is the head of that department, is an official whose appointment is subject to confirmation by the City Council.

Section 11 designates certain officers with reference to the mode of their appointment, to-wit; election by the people or election by the City Council, or appointment subject to confirmation by the City Council. It then proceeds to designate certain officials who may be selected by one or more of the three modes already specified. The fact, therefore, that the mention of "heads of any principal departments of the city" is a repetition of a class previously designated has no particular significance, except in the light of the views hereafter expressed upon that subject.

It is a well settled rule of construction that, where there are two provisions, one of which is general and designed to apply to cases generally, and the other is particular and relating to one subject, the particular provision must prevail, and must be treated as an exception to the general provision. (*Dahnke vs. The People*, 168 Ill.)

Section 3 provides that the Commissioners shall classify all the offices and places of employment in the city with reference to the examinations provided for, except the offices and places mentioned in Section 11; and further provides that no appointment to any of such offices or places shall be made except under and according to the rules provided for in the Act. When these words of Section 3 are applied to Section 11, Section 11 means that all officers and employees of "any principal department of the city," except the "head" or "heads" thereof, shall be included in the Classified Service.

This is a broad and general direction, but there is an exception to it. Wherever there is any officer whose appointment is subject to confirmation by the City Council, provided the office filled by him had been created and was in existence when the Act was passed, such officer is not to be included in the Classified Service, even though he be a subordinate in one of the principal departments of the city. The same is true, if

such officer is one elected by the people, or elected by the City Council. Thus, in the Department of Law the ordinance provides that that department shall embrace the Corporation Counsel, the City Attorney, Prosecuting Attorney and such number of assistants and clerks as the City Council may by ordinance see fit to prescribe and establish. The Corporation Counsel is made the head of the law department, but the City Attorney is an officer who is elected by the people. He, therefore, is not included in the Classified Service. So, in the ordinance in regard to the Department of Health, it is provided that the Department shall embrace the Commissioner of Health, the Superintendent of Police and others. Although the Commissioner of Health is made the head of the Department of Health, yet, as the Superintendent of Police is an official whose appointment is made by the Mayor, subject to confirmation by City Council, the Superintendent of Police is an officer who is not included in the Classified Service. Still, again, the ordinances create a Department of Finance, of which the City Comptroller is made the head. It is provided that this Department of Finance shall embrace the City Comptroller, the City Treasurer and others. But as the City Treasurer is an officer who is required by the statute to be elected by the people, he is not included in the Classified Service.

We are inclined to the opinion that, if any member of any principal department of the city is an official whose appointment is made by the Mayor subject to confirmation by the City Council, he is not to be included in the Classified Service, notwithstanding he may not be made the head of the department. Thus it would appear, that the two clauses, "officers whose appointment is subject to confirmation by the City Council," and "heads of any principal department of the city," should be construed together, in order to make them consistent with each other.

It seems to be contended by counsel for the respondent, Kipley, that, inasmuch as officers whose appointment is subject to confirmation by the City Council are excepted from the operation of the Act, the Common Council may by ordinance increase the number of officers so to be appointed and thereby increase the number of exceptions under Section 11.

Accordingly, the plea filed by the respondent, Kipley, sets up the ordinance of June 28, 1897, which is fully described in the statement of facts preceding this opinion.

That ordinance required that certain subordinate officers or employees in certain of the principal departments of the city government shall be "designated as heads of principal departments," as said term is used in Section 11 of the Civil Service Act, "and shall be nominated by the Mayor and shall be confirmed by the City Council." This ordinance, passed by the City Council of Chicago after the present proceeding was commenced in this court, and after the petition and answers had been filed and demurred to. If it is a valid ordinance and has the effect which it was intended to have, it will certainly nullify and make worthless the Civil Service Act. Its passage is not defended or endorsed by the respondents, who are Civil Service Commissioners. We have held, that ordinances passed by the Common Council must be reasonable in order to be valid, and that they must spring from an honest exercise of legislative discretion. (*Bloomington vs. C. & A. Ry. Co.*, 134 Ill. 451; *Hawes vs. City of Chicago, supra.*) The Civil Service Law is binding as well upon the Common Council of the city as upon other persons mentioned in the Act. (*Peck vs. Belknap*, 130 N. Y., 394.) The ordinance assumes to define the meaning of the word "heads of any principal department of the city," as these words are used in the Civil Service Act. The power to interpret and construe a statute, or to define the meaning of the terms therein, rests with the courts, and not with the legislature, and certainly not with a subordinate legislative body, like the common council of a city. (*23 Am. & Eng. Enc., Law 449.*) The ordinance does not create any new office or any new department, but simply provides that certain subordinate officials in departments already created shall be designated as heads of principal departments, and shall be appointed in a different manner from that in which existing ordinances require them to be appointed. Such an ordinance is invalid as being beyond the power of the Common Council to pass it, in view of the provisions of the Civil Service Act and of the City and Village Act. As has already been stated, Sections 3 and 11 of the Civil Service Act provide in effect, that all the subordinate officers and employees of any principal department of the city shall be embraced within the Classified Service. The ordinance of June 28th provides in effect that certain designated subordinates in the principal departments of the city government shall not be included in the Classified Service. The ordinance is, therefore, directly in the teeth of the statute.

This will further appear from a consideration of the meaning of Sections 2 and 3 of Article VI of the City and Village Act, as these sections bear upon and have reference to the ordinances hereinbefore mentioned which existed at the time of the passage of the

Civil Service Act. Section 2 of said Article VI provides that "the City Council may in its discretion from time to time by ordinance pass by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the Mayor with the approval of the City Council, of the City Collector, the City Marshal, a City Superintendent of Streets, Corporation Counsel, a City Comptroller, or any or either of them, and such other officers as may by said Council be deemed necessary or expedient. The City Council may, by a like vote by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created and devolve the duties thereof on any other city officer," etc. Section 3 provides that "all officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment) by and with the advice and consent of the city council."

"The City Council may, by ordinance not inconsistent with the provisions of this Act, prescribe the duties and define the powers of all such officers, together with the term of such office," etc. (*Starr & Cur., Stat.*, 2 ed., pp. 721, 722.)

Said Section 2 provides for the creation of certain offices by ordinance passed by a vote of two-thirds of the aldermen elected. Section 2 gives the Council power to provide, in the manner therein stated, for such other offices than those specifically mentioned, as may by said Council be deemed necessary or expedient. It thus provides for officers not specifically named in the section, and whose designation cannot be determined until the ordinance therein provided for is passed. In other words, the second section gives the Common Council power to provide in a certain way for the election or appointment of officers whose designation and duties are not mentioned in the statute, but whose designation and duties are to be fixed by ordinances to be subsequently passed. The object of the section can not be accomplished without action on the part of the City Council.

Section 3 merely provides for the mode of appointing individuals to the offices created by Section 2. The officers referred to in Section 3 are the officers to be created by ordinance as provided in Section 2. For example, the Common Council of the City of Chicago, under the authority contained in Section 2, provided for the appointment by the Mayor, with the approval of the City Council, of a Superintendent of Police. When the present Mayor appointed the respondent, Kipley, to the position of Superintendent of Police, he appointed him under the authority contained in Section 3. Section 2 creates the office, Section 3 provides for the appointment of an individual to the office so created. The ordinance mentioned in Section 2 creating the office must be passed by a two-thirds vote of the aldermen elected, but the confirmation provided for by Section 3 may be accomplished by a majority vote.

From what has been said it is apparent that the words "whose appointment is subject to confirmation by the City Council," as used in Section 11 of the Civil Service Act, refer to officers whose appointment was subject to such confirmation at the time the Civil Service Act went into force. The words used are "*is subject*," not "*may be subject*" by some future action of the Council. Section 11 refers to the use of the words last quoted to officers whose positions have then already been created by virtue of the power contained in Section 2 of Article VI of the City and Village Act. It could not refer to officers whose positions might thereafter be created, because in that view there were no officers whose appointment was subject to confirmation by the City Council. The appointment of an officer, whose position has not yet been brought into being, can not be subject now and at the present time to confirmation by the City Council. The words in Section 11 refer to places where the Council had already acted under said Section 2 of Article VI. In the case at bar, City Council of Chicago had already passed ordinances providing for the appointment by the Mayor, subject to confirmation by the City Council, of the heads of the Fire, Police, Public Works, Buildings, Health and Law Departments. The appointments of these officials had been provided for when the Act went into force, and they are referred to by the terms of Section 11. They were then existing officials and were made exempt from the operation of the Civil Service Law. It is true that under Section 2 the Common Council might discontinue an office created under Section 2 where such an office was unnecessary, in order to devolve its duties upon some other officer.

But the Common Council had no right to pass an ordinance providing that subordinates in a department already created should be elevated to be the heads of such department. To hold that it had such right would be to hold that it could nullify the Civil Service Act by making every person holding a position however subordinate an official whose appointment should be subject to confirmation by the City Council, thereby taking

his appointment out from the operation of the Civil Service Act. To construe the Act so as to permit such a result as this would be to construe it in opposition to the intention of its authors, and not with a view to carrying out such intention.

The Civil Service Act provides that all laws or parts of laws which are inconsistent with it or with any of its provisions, were thereby repealed. Hence, any provision, either of the City and Village Act, or of any ordinance of the city, which provided for a different mode of appointment than that specified in the Civil Service Act, was repealed, except so far as it might come within the exceptions named in Section 11.

It is to be noted that the words, "in all cases where it is practicable," are only used in the Act in reference to the subject of promotion. The New York constitution and the civil service Acts passed by the legislature of that State, provided that appointments and promotions in the civil service should be made according to merit and fitness, to be ascertained "so far as practicable" by examinations. (*People vs. Roberts, supra; Chittendon vs. Wurster, supra.*) But in the Illinois Civil Service Act this word "practicable" is not used in connection with the subject of examinations.

Our conclusion upon this branch of the case is, that the Assistant Superintendent of Police, Inspectors of Police and Captains of Police, are not excepted from the operation of the civil service law by the provisions of Section 11 or by any other provision in the Act. The same is true as to all positions in the other principal departments of the city government herein mentioned, which are of a lower grade than the chiefs or heads of those departments or which are subordinate to such chiefs or heads. This statement, however, is subject to this qualification, namely: that, wherever, at the time the civil service Act was passed, an office or place of appointment was one, the appointment of which was to be made by the Mayor subject to confirmation by the City Council, it is within the exception named in Section 11 and is excluded from the Classified Service.

Third. Certain objections are made to the petition as a pleading, it is contended that the demurrer to the answers should be carried back to the petition. We do not regard the petition as defective in any essential particular. The right of mandamus lies to compel the performance of a public duty, or in the enforcement of a public right, and in such case no demand and refusal need be shown. (*Brokaw vs. Commissioners*, 130 Ill., 882; *People vs. Commissioners*, 127 Ill., 613.) The respondents, who are made parties to the petition, are the only necessary parties. (*Dement vs. Rokker*, 136 Ill., 173.) The answers neither admit nor deny some of the averments in the petition. Whenever an averment of a petition well pleaded is not expressly denied in the answer it must be taken to be true. (*C. & A. Ry. Co. vs. Suffern*, 129 Ill., 274.) A petition for mandamus must set forth a clear right on the part of the relator to have the act performed. It must also show that it is the plain duty of the party against whom the remedy is sought to act in the premises. (*People vs. Mt. Morris*, 145 Ill., 427; *People vs. Elgin*, 66 Ill., 507.)

We are of the opinion that, in this case, a clear right is shown on the part of the relator and a clear duty on the part of the respondents. It was the duty, under the Act, of the respondent, Kipley, to notify the Commissioners of vacancies that existed in his department, under Section 10 of the Act, and it was the duty of the Civil Service Commissioners to certify to him the names and addresses of the candidates to be appointed to fill the vacancies in the manner prescribed in the Act.

Accordingly it is ordered that the writ of mandamus issue to the respondents, the one to give the notice, and the others to make the certification, as prayed in the petition.

Writ awarded.

PHILLIPS, C. J., DISSENTING:

I do not concur in all that is said in this opinion nor in the judgment announced.

The phrase "heads of any principal department" would include more than a single official who is an officer provided for by the City and Village Act.

Included in that phrase, would be an employee who, in the absence of a chief officer, would, under his duties, have control of the department; as it also would include an employee having charge of a distinct branch of service employing a large number of men.

Any head of a division having duties to discharge which causes him to be directly responsible to the Mayor or City Council for the manner in which he supervises and cares for the service entrusted to him, and who has confidential and personal relations to the chief officer in such service, or to the Mayor and City Council, would, in my opinion, be included in the phrase "heads of any principal department" as used in Section 11 of the Act, and not subject to classification under Section 3 of that Act.

In my opinion the writ should not be awarded,

BOGGS, J., DISSENTING :

I concur in the view it was within the constitutional power of the General Assembly to enact the "Act to Regulate the Civil Service of Cities," but join Mr. Chief Justice Phillips in dissenting to the conclusion that the law-making power intended that the phrase, "heads of any principal department of the city," incorporated by the General Assembly in the 11th Section, should be construed by the Court to mean the "head" or chief officer only of such department.

The appointment of "head" or chief officer of "each principal department of the city," is subject to confirmation by the City Council, and the General Assembly having declared, by a prior phrase, in the same section, that "officers whose appointment is subject to confirmation," should be exempted from the operation of the Act, it is not reasonably to be presumed or supposed the latter phrase was inserted merely as a repetition of the former, but that it was employed for the purpose of exempting from the effect of the Act other officers than those included in the former exempting clauses.

The construction given the phrase under consideration simply refuses to accord it any meaning or force whatever and, in effect, expunges it from the Act, for if is clear the section, as construed by the Court, would be given the same effect if the phrase in quotation did not appear at all.

The rejection of a portion of an Act is only to be resorted to as a desperate and heroic remedy necessary to be employed for the preservation of the Act itself.

It is a universal rule of construction so frequently declared that the citation of authorities is superfluous, that the words of a statute of common use are to be taken in their natural, plain, obvious and ordinary signification, "and that a plain, common-sense interpretation of such words are to be accepted rather than a refined and technical, grammatical construction."

It must be conceded the meaning of the words "heads of a department" is not, in common and popular acceptation, at all a matter of doubt. It does not mean the "head" alone of the department, but the chief or principal governing officers thereof.

The meaning of the word in this instance is the word itself, and there is no occasion to invoke the refinements of construction to defeat it.

THE PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* EDWARD C. AKIN, ATTORNEY GENERAL, *vs.* ADOLF KRAUS, HEMPSTEAD WASHBURNE AND DUDLEY WINSTON, CIVIL SERVICE COMMISSIONERS. } Petition for Mandamus.

OPINION BY MAGRUDER, J.

The questions involved in this proceeding are settled and determined by the decision of this Court in the case of *The People ex rel.*, etc., *vs. Joseph Kipley, Superintendent of Police, Chicago, et al.*, decided at the present term, 16 Ill.

Only the three Civil Service Commissioners, Adolf Kraus, Hempstead Washburne and Dudley Winston, are made respondents in this case. The respondents here raise no question as to the constitutionality of the Civil Service Act, but defend its constitutionality. They do not rely upon or defend but attack the ordinance of June 28, 1897, set up by the plea filed in the Kipley case. *Supra.*

The respondents here merely take the ground that certain positions subordinate to the chiefs or heads of the six principal departments of the City of Chicago are not included in the classified list, and are exempt from the provisions of the Civil Service Act, or in other words, that such subordinate positions are embraced within the exceptions named in Section 11 of the Civil Service Act. We are of the opinion, for the reasons stated in the Kipley case, *supra*, that this contention of the respondents cannot be sustained.

Some objection is made to mandamus as the proper remedy in the case at bar. The present respondents were appointed Civil Service Commissioners by the Mayor of the City of Chicago after the resignation of one of the original Civil Service Commissioners, and the removal of the other two. The original Commission adopted rules, and made a classification, and indicated certain offices and positions as being within the exceptions named in Section 11 of the Act. The new Commissioners, appointed in 1897, took the ground that the exceptions made by their predecessors should be increased and enlarged, and that there should be a different classification from that already adopted in certain respects. The positions, which the present respondents have claimed to be within the exceptions in Section 11, are indicated in their answer filed in this case and in their opinion attached to and made a part of said answer. The positions so claimed by them to be excepted are also specified in the petition in the present case, and need not here be specifically enumerated. PHILLIPS, C. J., Dissents.

The petition herein prays that a writ of mandamus may issue to the respondents, directing them to place the positions and places, by them in their opinion and action of May 22d, 1897, attempted to be taken out of the Classified Service, in the Classified Service as provided in the Civil Service Act, and commanding them to bring such positions and places within the operation of the provisions of the Act.

The writ of mandamus will lie to compel Civil Service Commissioners to make a classification which may be judicially determined to be correct. In *Chittenden vs. Wurster*, 152 N. Y., 345, which was a case arising under the civil service Act of New York, where the classification was made by the mayor, it was held that if the mayor of a city refused to do his duty in making classification of the civil service positions, or if he did it improperly, he might be compelled by mandamus to do it in accordance with the requirements of the statute. An order will be entered, that the writ of mandamus issue against the respondents in this case in accordance with the prayer of the petition.

Writ awarded.

INDEX.

	PAGE
Act, Adoption of, by cities	40, 41
Amendment to	32, 42
In force, when	41
To regulate civil service in cities	29–41
Violations of	40
Age Limitations, Fire service	61, 62
Labor service	64
Messengers	49
Official service	49
Pages	49
Police service	60, 61
Aliens, Excluded from examinations	49, 64
Applicants, Character of, certificate required	49
Effect of false statements made by	50
Notified of standing	52
Number to be examined, may be limited	50
Political or religious opinions of, not to influence examination or appointment	30, 51
Applications, Blank forms for	49
Defective	50
False statement in, effect of	40, 50
Forms of	49
Not to be returned	50
Number filed	3, 11
Rules governing	49, 50
Vouchers to be furnished with	49, 65
Appointing Officers, Duties of	59
Must appoint the person certified by the Commission	32, 54
Must not remove without consent of Commission	33, 58
Must report to Commission appointments, vacancies, etc.	33, 34, 59, 69
Appointments, Commission to be notified of	32, 59
Complete, what constitutes	32, 55
Declination of	54
Emergency	32, 54
Failure to report	54
Fire service	61

PAGE

Appointments—Continued.
Laborers 32
Method of making 32
Neglect or refusal to accept, to be reported to Commission. 59
Not to be influenced by political or religious opinions 30, 51
Not to be made without examination 30, 54, 64, 65
Payment for, prohibited 37
Police service 60
Probational. (See **Probationary Period.**)
Probational, to be reported to Commission 59
Reports of 33, 34
Requisitions for making 53, 54
Temporary 32, 53
Temporary, to be reported to Commission 59
To be certified to Comptroller, or other auditing officer. 38, 59, 69, 70

Appropriations, For expenses of the Commission 36

Assignments to Duty, Other than regular 55

Auditing Officer, Not to allow claims of service in violation of civil service act 38
To pay salaries only after certification 38

Average (See **General Average**), To be obtained for eligibility.. 51

Board of Investigation, Appointment of 33

Boards of Examiners, Appointment of, to be made by Commission 30, 52
Laborers 64, 65
Not of same political party 52
Powers, duties and organization of 30, 52
Records and reports of 30, 31, 52
Special 57

Boards of Promotion, Duties of 56
How appointed 56

Books and Papers, Chief Examiner to keep 34
Production of, in investigations 34, 39

Certification, Eligibles in same grade, preference in promotion of 58
For promotion, manner of making 31, 58
Number of certifications 3, 11, 18, 19
Of appointments and removals to be made to Comptroller.. 38
Priority of 58
Report concerning, from heads of departments 54, 74, 81
Salaries to be paid only after 39
Sex to be disregarded in 32, 54
Tables of certifications 18, 19
Waiver of 54

PAGE

Changes in Former Rules 73–77

Character, Burden of proof of 49
Certificates of 49, 64
Failure to prove good 50

Charges, By whom to be brought against city employees 58
Copy of, and evidence to be furnished to Commission 58, 59
When required for removals 33, 58
When not required for removals 33, 59

Chest Measurements, Modifications of requirements 60, 62

Chicago, List of all city employees in, to be kept 59, 60
Residence in, required for examination and certification ... 49, 64
Rules applied to the city of 45

Chief Examiner, Appointment of 34
Duties of 34
Ex-officio Secretary of Commission 34
Salary of 35

Citizens, Only, may be examined 49, 64

Civil Engineering Service, Members of 46

Civil List, To be kept in office of Commission 59

Civil Service, Act to regulate 29–41
Adoption of Act by cities and counties 40, 41
Rules 45–70

Civil Service Commission, Accommodations for, to be provided 34, 35
Appointment of, authorized 29
Appropriation for 36
Board of examiners to be appointed by 30, 52
Chief Examiner to be appointed by 34
Civil list to be kept by 59
Examinations controlled by 30
Investigations to be made by 34, 39, 58
Manner of appointment of 29
Members of, not to be of same political party 29
Members of, not to hold other political office 29
Members of, oath of 29
Oath, power to administer 34, 39
Organization of iv
Production of books and papers and attendance of witnesses may be compelled by 39
Removal of 29
Report, annual 34
Report of changes in the service to be made to 33, 59, 69
Rules to be made by 30
Rulings and precedents of 81

PAGE

Civil Service Commission—Continued.
Salaries and expenses of 35
Separations to be reported by, to Comptroller 38
Term of office of members 29
Transfers to receive notification of 62, 63
Vacancy in, how filled 29

Class, Definition of 46

Classification, Authorized by Civil Service Act 30
Exceptions to 33, 45

Classified Service, Civil list of, to be kept by Commission 59
Definition of 45
Divisions of 46
Grades of 47
Offices excepted from 33, 45
Promotions in 56–58
Reinstatement in 63, 77
Removal from. (See **Removals.**)
Salaries, payment of, in 60
Table of offices, and places of employment in 85–88
Transfers in, rules regarding 62, 63
Vacancies in and method of filling 33, 54

Clerical Service, Members of 46

Comptroller, Appointments and removals to be certified to 38
To pay salaries only after certification 38, 60, 69

Decisions of Supreme Court 177, 195

Discharge, Grounds for 50

Divisions, Definition of 46
Number of 46, 47
Rank in, recognized 48

Efficiency Record, Method of keeping 57
Weight given 57

Electrical Service, Members of 46

Eligible Registers, Exclusion from 32, 50
Method of enrollment in 53
Names of successful competitors to be entered in 31, 53, 57
Period of eligibility 53
Priority of date of examination no advantage 31, 53
Restoration to 55

Enrollment, Method of 53
Table of 17

PAGE

Examinations, Applicant to be notified of time and place of...31, 51, 64
Authorized by law 30
Character of 51, 57
Classification for purpose of 30, 45
Control of 30, 52
Efficiency rating in 57, 69
Failure in 73
Fraud in marking 36
Grading of 51, 57
Laborers 64
Marking of papers 52
Medical board 7
Publication of 51
Number admitted to 50
Number of 3
Officers of the city to assist in 34
Official service 51, 52
Open and competitive 30
Persons ineligible 49
Physical 52
Practical character of 30
Priority of 31
Promotions authorized by 31, 56
Public 30
Required before appointment or promotion 30, 31, 55, 56
Review of papers, in 52, 73, 81, 159
Residence in City of Chicago required for 49
Rooms for, to be provided 34
Statistics of 11–16
Weight given subjects 51

Examiners, Compensation of 35, 36
Different political parties 31, 52
Duties of 30, 31, 52
General Board of 52

Financial Statement 23–26

Fire Service, Age limitations 61, 62
Examination by Medical Board 7, 62
Members of 46
Original entrance 61
Promotion to lieutenants 56, 57
Qualifications for 62
Rank and official designation recognized 48

Foremen, Members of official service 69

Fraud, Punishment for 36, 40

General Average, Order of, shall be followed in certifications.. 31, 53
What constitutes an eligible average 53, 57

PAGE

Grades, Based upon compensation 47, 48
Definition of 46

Inspection Service, Members of 47

Investigations, Commission to investigate enforcement of Act 34
Commission to investigate removals 33
Oath, subpœna of witnesses and production of papers in... 34, 39
When not required in removals 33, 59

Knowledge of Trade, Proof of, required 65

Labor Service, Age of applicants 64
Application for employment 64
Class 46
Extent 64
Promotion from, to official service 68
Rules 64–70
Tables of statistics 15, 16
Temporary appointments 53

Laborers, Application for employment 64
Appointment of 32
Board of Examiners 64, 65
Certificates of character required 64
Certificate of knowledge of trade required 65
Charges not required in removals 33, 59
Citizenship in United States required 30, 64
Classes of 67, 77, 81, 146
Discharge of 70
Districts for registration 65, 66
Educational test not required 65
Emergency employment of 32
Examination of 64
Foremen of, belong to official service 69
Foremen of, to be preferred in discharges 70
Grading of applicants, how made 65, 66
Mechanics, must have served four years as journeymen... 64
Notified of examination 64
Promotion of 68
Reduction in number of 70, 121, 122
Re-employment after removal 67, 121, 122
Registration of 65, 66
Residence of one year in Chicago required 64

Law, Civil Service 29–41

Library Service, Members of 47

PAGE

Mayor, Appoints Civil Service Commission..... 29
May remove any Commissioner..... 29
May require a report at any time..... 34
Reports removal of any Commissioner..... 29

Mechanical Engineering Service, Members of..... 46

Mechanics, Must have served four years as journeymen..... 64

Medical Board, Members of..... iv
Report of..... 7, 8

Medical Service, Members of..... 46
Inspectors must reside in district..... 132

Minutes of Meetings..... 91–173

Oath, Power to administer..... 34, 39

Office, Change or abolition of, to be reported to Commission.. 59

Offices and Places of Employment, Tables of..... 85–88

Official Service, Class..... 46
Divisions and grades in..... 46, 47
Rules..... 49–63
Tables of statistics..... 12–14

Paymasters, etc., To pay salaries only after certification 39

Police Service, Age limitations..... 60
Examination by medical board..... 7
Examination of former members..... .....61, 74, 75, 81, 126, 150
Members of..... 46
Original entrance..... 60
Qualifications for..... 60
Rank and official designation recognized..... 48
Reinstatement of retired members..... ...81, 110, 111
Rules governing appointment..... 60

Political Assessments, Payment of, prohibited..... 37
Solicitation of, by letter, prohibited 36, 37

Political Discrimination, Prohibited..... 38

Political Influence, Abuse of, prohibited..... 37, 38

Probationary Period, Authorized 32, 55
Length of 54, 55
Persons found incompetent..... 55

PAGE

Promotion, Application for 56
Authorized 56
Certification for 31, 58
Change of compensation 58
Character of examinations for 31, 56, 57
Classification regarding 45-48
Competition limited 55
Duties of Boards of 56
Efficiency rating 57
Eligibility 57
Examinations for 31, 56
Grading of competitors 57
Laborers 68, 69
Lieutenants in Fire Department 56
Method of certification 58
Method of examination 31, 56, 57
Seniority credit 55, 57, 81, 102
Table of statistics 14
Vacancies filled by 31, 54, 55

Prosecutions, By whom conducted 40
For Violation of Act 40

Re-examinations, When allowed 53, 73, 81, 160

Register of Eligibles. (See **Eligible Registers.**)

Registration of Laborers, By districts 65, 66, 75, 81, 144, 152
Method of 65, 66, 75

Reinstatements 63

Removals, Accused to be heard in his own defense 33, 58, 74, 81, 128
After period of probation 32
For violation of civil service act 40
How made 58, 74
Investigation of, by Commission 58
Of laborers, charges not required 59
Powers of Commission in case of 33, 58
Reasons for must be given 33, 58, 59
Re-employment after 67
Reports of, when can be withdrawn 74, 81
To be certified to Comptroller 38

Report, Annual, of Commission 34
Chief Examiner 3
Heads of Departments, concerning employment 54, 74, 81, 147
May be required by Mayor at any time 34
Medical Board 7, 8
Of separation, when can be withdrawn 81, 155
To be made to Commission, of appointments, promotion, etc. 59, 69

PAGE

Residence, In City of Chicago required 49, 64
Waiver of, in special examinations 49

Rules, Changes in 73–77
Civil Service 45–73
Commission to make 30
Fire Department 61, 62
Labor Service 64–70
Official Service 49–63
Police Department 60, 61
Publication of 30

Rulings and Precedents, Of the Commission 81

Salaries, Changes of 58, 59
Of Chief Examiner 35, 36
Of Commission, rate of 35, 36
Payment of, rules regarding 60
To be paid only after certification 39, 59

Secretary of Civil Service Commission. (See **Chief Examiner.**)

Seniority. (See **Promotion.**)

Separations. To be reported by Commission to Comptroller 38
To be reported to the Commission, with causes thereof 33, 58, 59

Sex, When to be disregarded in certification 54

Soldiers, Who are eligible to have their names placed at the head of the list 32, 42

Special Examinations, Requiring special qualifications 57
Waiver of residence in 49

Statistics, Tables of 11–19

Subpœna, Power of Commission to subpœna witnesses 39

Supreme Court Decisions 177, 195

Suspensions, May be made not to exceed 30 days 33
To be reported to Commission 59

Tables, Certifications for appointment 18, 19
Enrollment of unskilled laborers 17
Examinations by medical board 7, 8, 16
Fire department, qualifications for 62
General summary of statistics 11
Labor service 15, 16
Offices and places of employment 85–88
Official service, original entrance 12, 13
Official service, promotion 14
Police department, qualifications for 60
Statistics 11–19

PAGE

Temporary Appointments, Made without examination..... 32, 54
Period of 32

Transfers, Commission to be notified of 62, 63
In same department, division and grade 62, 63
Rules, regarding 62, 63
Temporary 62, 63
To another division in the same department..... 63
To similar position in another department..... 63

Unclassified Service, Extent of 45

Vacancies, Method of filling.....31, 54, 68, 69
To be filled by promotion when practicable 31, 55, 56

Violations, Of Civil Service Act, penalty for 40
Officers to prosecute 40

Vouchers, To accompany application..... .....49, 64, 65

Waiver of Certification 54

Witnesses, Attendance of, to be secured by subpœna..... 39, 40
Compelling testimony of..... 39
Fees of 39

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